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# REVIEW

OF THE

REV. MOSES STUART'S PAMPHLET ON

## SLAVERY,

ENTITLED

### CONSCIENCE AND THE CONSTITUTION,

By RUFUS W. CLARK, A. M.

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#### N O T E .

A desire having been very generally expressed, that the Review of Professor Stuart's work on Slavery, which appeared in the Atlas, should be published in a pamphlet form, and one gentleman, of great intelligence and liberality, having kindly offered to defray the expense of an edition of three thousand copies for gratuitous circulation, the author has been induced to accede to this desire, with the hope that a more extended circulation of the Review might promote the cause of human freedom.

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# REVIEW.

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## I. — PRELIMINARY REMARKS.

IT is worthy of remark, that the general and intense agitation of the Slavery question, throughout our country at the present time, is mainly attributable to the slave States themselves. By their zeal for the prosecution of the Mexican war, for the purpose of extending slavery, and the consequent annexation of a large territory to our domain, they have called into existence the State of California, whose free constitution, has not only thrown into confusion their plans for the extension of slavery, but has aroused a degree of feeling, and a spirit of discussion, which will not, we apprehend, very soon abate. With all their anxiety to prevent agitation, especially within the halls of Congress, they have been instrumental, indirectly, in rendering the slavery question the all-absorbing topic, of at least, one session of Congress, and of directing towards its investigation, the highest order of talent in the land. All the readable speeches that have come to us from Washington, during the last six months, have been upon the slavery question. The tariff, post-office reform, internal improvements, private claims, and the Cuba expedition, have been almost lost sight of, in the deep excitement which this subject has awakened. Reporters have written upon little else than slavery, and thus our commercial and political newspapers have been made the channels for communicating slavery arguments and facts, *pro* and *con*, through every city, town, and village in the Union. The stream of discussion, which, but a short time since, was confined to a few newspapers and societies, has suddenly overflowed its banks, and is now entering other channels, and employing them for the purpose of reaching the masses of the community, upon whom the former narrow tide was making but little impression. Matter, which but a few years

since, was pronounced incendiary in its character, is now gravely embodied in speeches, made before our national Senators and Representatives. Divines, editors, lawyers, and merchants too, are entering the field, and the Constitutional and Scriptural arguments, as well as the evils and political bearings of slavery are freely discussed, in cars, steamboats, hotels, in the shop, at the fire-side, upon the farm,—wherever newspapers are read, or the claims of humanity are felt.

Nor do we see any prospect of this agitation being arrested, while the evils of slavery exist, and especially while there is so strong a disposition manifested by the friends of the system *to extend it over soil that is now free*. To behold California knocking at the door of our Union, and so long refused admittance, simply because she presents herself in the pure white robes of liberty, with no chain in her hand, and no curse upon her lips, with her countenance radiant with the beauties of philanthropy and love, adorned with a wreath in which are inwrought the stars of our national banner, without the stripes, is a spectacle upon which the free, intelligent Christian citizen of this *Christian Republic*, cannot gaze without emotion, *deep, strong, intense emotion*. To see, too, those who have so earnestly contended for State rights,—who have so eloquently and vehemently advocated the doctrine that each State should manage its own domestic institutions, standing at the door and saying to this fair suppliant,—You shall not enter,—saying, as some have done,—This Union shall be shattered into a thousand fragments, before our votes shall sustain this free Constitution,—is certainly enough to awaken a spirit of agitation, which cannot easily nor speedily be allayed.

MR. WEBSTER and MR. STUART appear before us, as professed pacificators in the fiery conflict of opinion which is raging. They come with their Constitutional and Bible arguments, confident that their words will hush the storm, and reconcile the hostile parties. But this agitation is the natural and inevitable result of the genius of our institutions. While we are educating so many thousands of thinking men and women, with consciences; while our sympathies are so often called forth in behalf of the oppressed and suffering of other nations, while we are moved by appeals to send the blessed

Gospel to the millions who are dwelling in darkness, we cannot but be keenly alive to the injustice, the inhumanity of American slavery. We cannot educate our sensibilities to feel for one form of oppression, and not for another. We cannot have hearts that throb with intense sympathy for the struggling Hungarians, the oppressed Poles, the vanquished Greeks, and yet remain unmoved under the spectacle of three millions of our own citizens, laboring to rend-asunder their chains. We cannot heap execrations upon the Emperors of Russia and Austria, and weep over the misfortunes of Kossuth, and yet have no pity for the panting fugitive in our own land, whose only crime is, a desire to be free.

Scheming politicians may succeed in this, but the mass of the people cannot. They are unable to reach such a depth of hypocrisy, as to regulate the exercise of their humanity by the locality of the suffering or oppression, and be full of emotion, and overwhelmed with indignation for wrongs committed at a distance, and ice-hearted under scenes of distress that are at our own door. Nor will compromise bills, speeches on the Constitution, or a labored exegesis of scriptural authorities upon slavery, produce this result. There is not a statesman or professor in the land, who has adroitness and power enough, to give this tone to the humanity and conscience of these Northern States. Neither is there one who has sufficient skill to solve the problem, as to how we shall keep slavery in the bosom of the intelligence, and light, and liberty, and christianity of this nation, *and make it lie there quietly*; how we shall enable two such diametrically opposing elements as American slavery and American liberty, to harmonize and dwell together peaceably.

Stop the tide of intelligence that is flowing from our systems of education — extinguish the light of the Gospel, that shines with such intensity upon the community from the American pulpit, subject humane, noble-hearted editors to an Austrian censorship, annihilate three-quarters of our literature, which is so thoroughly pervaded with the spirit of universal liberty, and then will a calm spread over this nation, such as reigns over the Dead Sea. Then, and not till then, can the slave-dealer listen to the music of clanking chains, with none to disturb the serenity of his mind. Then,

and not till then, will propositions before Congress, to extend this evil over free soil, cease to clog the wheels of government, and convulse the nation.

It is, therefore, with no spirit of false compromise, nor with any hope of pouring oil upon the troubled waters, that we approach our subject. Gladly would we, were it in our power, remove the evils that disturb the peace of the nation, and endanger the stability of the Union. Most gladly would we behold harmony pervading our national councils, and this perplexing question put forever at rest. But, unless it is the design of Providence, that liberty and slavery are to run on in parallel lines in the career of this nation *forever*, then the time must sooner or later come, when, under the natural growth of liberty, and the progress of civilization, freedom must gain upon slavery, and thus the balance of power, between the two, be destroyed. This crisis in the life of our nation, we believe to be near. While civilization is advancing in every other part of the world, while the despotic systems of Europe are receiving successive shocks, from the successive revolutions upon that continent, and while even heathen nations are throwing open their iron gates for the reception of Gospel truth, we do not believe that this nation is to stand alone, deprived of the benefits of a progressive civilization, and doomed forever to purchase every inch of free soil, with an inch of slave soil. This crisis, therefore we must meet — meet in the spirit of sincere patriots, conscientious freemen, and devoted Christians. And though dangers thicken around us, though the glorious fabric of our national government tremble, yet we would repose in perfect security upon that overruling Providence, that guides the nations, and controls the destiny of every creature.

But without further preliminary remarks, we hasten to our work.

Professor STUART'S pamphlet is entitled "Conscience and the Constitution, with remarks on the recent speech of the Hon. DANIEL WEBSTER, on the subject of Slavery." After a careful perusal of what Mr. STUART has written, and observing how few pages are devoted strictly to "Conscience and the Constitution," we should give the pamphlet the following title: "A plea for American Slavery, based upon Scriptural Authorities, with expres-

sions of admiration for Mr. WEBSTER; the whole interspersed with arguments and declarations, which overthrow all that is adduced in favor of Slavery."

This is no caricature, as we shall endeavor most abundantly to prove; and here I would remark, once for all, that I shall studiously guard against saying any thing, that may be regarded as disrespectful or unkind. Nothing is gained to any cause by indulging in vituperation, unjust sarcasm, or personal abuse. Our business is with arguments and facts, not with persons.

Mr. STUART devotes the first twenty-two pages of his pamphlet to a somewhat tedious narration of his personal political history, and towards the close of his introduction, administers what he designs for a severe rebuke to those who have taken the liberty to dissent from Mr. WEBSTER. He then (§2) considers "the attitude of slavery, as presented by the Old Testament," and under this head endeavors to prove, that slavery is not a "*malum in se*," and in the course of his reasoning, manifests strong opposition to those who maintain the contrary opinion.

In section third, (pp. 43-56) he presents his views of "the attitude of slavery in the New Testament," and contends that

"While almost every prevailing sin of the day is expressly and strongly denounced by the Saviour, he does not once touch on the abuses of slavery. Not even in his Sermon on the Mount, has he brought this matter into view."

In bringing his scriptural authorities to bear againsts the opponents of slavery, and especially against those who have conscientious scruples in regard to delivering up fugitives, he manifests a zeal "to make out a case," and he writes in a tone of triumph, which we regret to see. If the Bible sanctions slavery in any of its forms, it would have been more befitting an author to have presented his arguments in a tone of sorrow, rather than of triumph.

In section fourth, Mr. STUART remarks upon "the influence which Christian principles should have upon our minds, in relation to conscience, and to the agitated question of the day." Under this head he takes up several points in Mr. WEBSTER's speech of March 7th, which he defends with much warmth; and although he states at the outset, that it is his purpose to present the scriptural

view of slavery, yet he wanders into the political arena, whither we, after reviewing his Bible arguments, propose to follow him.

Towards the close of his pamphlet, he addresses to slaveholders a very faithful exhortation upon the evils of slavery ; an exhortation, however, which, after they have fortified their consciences, with the arguments, and imbibed the spirit that precedes, we imagine they will be in no favorable mood to receive.

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## II. — PROFESSOR STUART'S INTRODUCTION.

ALTHOUGH we have much matter here which has little relevance, to the question at issue, yet there are some points that deserve our attention, before we enter upon the main arguments. What the Professor says with reference to his right to discuss the subject of slavery, and give his views to the public, receives our cordial approval.

"It lies," he says, page 4, "within my proper sphere of duty to hold up before the world, the declarations and doctrines of God's eternal word ; for I have been a preacher of the Gospel, according to the best of my knowledge and ability, for more than forty-five years. More than forty of these have been spent in the study of the Bible ; and the consequence has been, that this book has taken a paramount place in my reverence, and in my sense of duty to obey it."

In reference to his right to sound "the words of prophets and apostles in the ears of our great community," he adds :

"I claim that right. I expect, however, to be condemned by some, and perhaps maligned by others, for exercising that right. No matter. It is but of little consequence what becomes of me, if the teachings of 'the glorious Gospel of the blessed God' may come in their simplicity, and power, and authority, before the public in any manner that will attract their attention."

This same right we claim, and surely we have no stronger desire, than that "the teachings of the glorious Gospel of our blessed God," may not only receive the attention of the community, but also may convince their understandings, and sanctify their hearts. And if Mr. STUART claims the right of agreeing with Mr. WEBSTER, and of giving his reasons for so doing, we equally claim

the right of disagreeing with him, and of giving our reasons for so doing. Indeed, while reading that remarkable speech, I could not but be reminded of the many forcible and splendid passages of the former speeches of the great statesman, wherein he so nobly eulogizes the cause of liberty, and so carefully instructs us in reference to our duty in guarding the citadel of freedom. In his speech on the President's Protest, he says :

"We have been taught to regard a representative of the people as a sentinel upon the watchtower of liberty. Is he to be blind, though visible danger approaches ? Is he to be deaf, though sounds of peril fill the air ? Is he to be dumb, while a thousand duties impel him to raise the cry of alarm ? Is he not rather to catch the lowest whisper that breaths intention or purpose of encroachment on the public liberties, and to give his voice, breath, and utterance at the first appearance of danger ? Is not his eye to traverse the whole horizon with the keen and eagle vision of an unhooded hawk, detecting through all disguises, every enemy advancing in any form towards the citadel he guards."

These noble sentiments were lingering about my memory, while I read in Mr. WEBSTER'S slavery speech such passages as the following :

"As far as the new acquisitions are concerned, I am disposed to leave them to be disposed of as the hand of Nature shall determine. It is what I always have insisted upon. Leave that portion of the country more natural to a non-slaveholding population to be filled by that description of population, and leave that portion into which slavery would naturally go, to be filled by a slaveholding population — destroying artificial lines ; though perhaps they may be better than none."

"Therefore, I repeat, sir, and I repeat it because I wish it to be understood, that I do not propose to address the Senate often on this subject. I desire to pour out all my heart in as plain a manner as possible ; and I say again, that if a proposition were now here for a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it."

Again, in the same speech, on the President's Protest, Mr. WEBSTER says :

"The spirit of liberty is indeed a bold and fearless spirit ; but it is also a sharp-sighted spirit ; it is jealous of encroachment, jealous of power, jealous of man. It seeks for guards ; it entrenches itself behind strong defences, and fortifies with all possible care, against the assaults of ambition and passion."

Yes, under the tuition of such sentiments, we have been taught to guard the spirit of liberty. This spirit has entrenched itself in the philanthropy and Christianity of these Northern States, and there we believe it is fortified "with all possible care against the assaults of ambition and passion," — even the ambition of him who has so suddenly left the watchtower of Liberty, to become the guardian of Slavery.

It is with the keenest regret that we, in common with thousands and tens of thousands of others, feel called upon to dissent from the views and doctrines which Mr. WEBSTER has advanced in his slavery speech. We cannot forget his past invaluable services in the councils of our nation, his patriotic defence of our free institutions in the hour of peril, his amicable settlement of the boundary question with Great Britain, — a deed for which he deserves the thanks of the civilized world. But we have not been such unfaithful scholars, in the school of the great New England statesman, as now to repudiate the lessons which he has taught us. We have not listened to his thrilling eloquence so inattentively, we have not looked at his noble principles, and patriotic sentiments, so cursorily, as now, even at the dictation of the master himself, to do violence to the dictates of conscience, and the promptings of humanity.

We may, indeed, be told that the design of Mr. WEBSTER in his speech was to present the constitutional argument upon the slavery question, and thus allay the intense excitement which pervaded the nation, and that he is not to be condemned until his arguments are refuted. Mr. STUART remarks (page 22): "It is my sober conviction that very much less of excitement would now exist, did not the array of Mr. WEBSTER's arguments appear so formidable."

Without wishing to anticipate, here, the considerations of these arguments, which we shall take up in the order in which they are noticed in the pamphlet before us, I cannot yet forbear remarking, that the warmest friends and ablest defenders of Mr. WEBSTER can not deny that this speech is thoroughly pro-slavery in its character. The spirit of slavery runs through it from the beginning to the end. We look in vain for one breath of humanity, for one bright spot to relieve the total darkness. Even the few cold thoughts that he tells us, he designed to utter respecting the unjustifiable



imprisonment of our free citizens in South Carolina and other Southern States, are forgotten in his overwhelming zeal to protect the peculiar institution; and they come in afterwards, to claim their place in the published reports of the speech.

Had Mr. WEBSTER risen in the Senate with his soul filled with indignation at the wrongs that the North has suffered from the South, would this subject have been forgotten? Would he have remembered so much on the other side of the question, and have allowed this little fragment for freedom to have escaped his memory?\*

When upon the Wilmot Proviso, he seemed most tenderly alive to the delicate sensibilities of the South, and would on no account wound their pride. And this speech comes from his lips when they are scarcely cold from those warm and sympathetic utterances which have gone forth in behalf of the vanquished, oppressed Hungarians. Yes, after weeping over a fleeing Kossuth, and heaping the most crushing anathemas upon the Emperor of Russia, for demanding, in violation of the laws of nations, the laws of conscience, and the laws of God, that the Turkish government deliver him up, he enters the American Senate Chamber and pronounces this speech! Had these three millions of slaves been in the heart of France, or within the confines of Great Britain, or on Mexican soil, would not at least one burning word have reached and cheered their hearts?

But we may be met with the inquiry, what right have you to call in question the words or measures of public men? I reply, the very right that the great statesman himself contends for in the following declaration:

“The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretences, the firmer shall be the tone, in which I shall assert, and the freer the manner, in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a ‘home-bred right;’ a fireside privilege

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\* From all the evidence we can gather, we have reason to believe that Mr. Webster had a note of this topic in his minutes, and designed to allude to it, but his mind was so full of the *wrongs* that the South has suffered from the North, that he forgot it!! Unfortunate, indeed!

It hath ever been enjoyed in every house, cottage, and cabin in the nation, It is not to be drawn into the controversy. It is as undoubted as the right of breathing the air, or walking on the earth. Belonging to private life as a *right*, it belongs to public life as a *duty*; and it is the last duty, which those, whose representative I am, shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall place myself on the extreme boundary of my rights, and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise within this house, and without this house, and in all places, in time of war, in time of peace, and at all times. Living, I shall assert it, dying, I shall assert it; and should I leave no other inheritance to my children, by the blessing of God, I will still leave them the inheritance of free principles, and the example of a manly, independent, and conscientious discharge of them." — *Speech in Congress, 1814.*

Under this broad shield we shall proceed with our work.

Mr. Stuart, in the latter part of his Introduction, alludes to the objectionable company in which the judicious and Christian dissenters from Mr. Webster find themselves, classing them, though not associating them, with the ultra and fanatical abolitionists. He says, "it is an unblest, unnatural union — this union of these with those — one of the matches *not* made in heaven, that has brought together such reputable men," and those who have heaped upon him abuse, &c. Now, I see not why Mr. Stuart should class those whom he calls "men of intelligence, of patriotism, of integrity, men adorned with every civil and social virtue," with the ultraists referred to, any more than they should class him and Dr. Woods, and Prof. Emerson, who signed the Webster letter, with the fanatical and infidel defenders of slavery, with slave drivers and men stealers. For one, I have too much respect for these honored and conscientious Professors to associate them with such men. They stand infinitely above them, in point of moral excellence, integrity, patriotism, and every Christian virtue. Their characters are unblemished. Their piety is undoubted. The services they have rendered in their several departments of Biblical literature, didactic theology, and ecclesiastical history, entitle them to the lasting gratitude of the American church.

But we would say, that of a very large proportion of their company, these gentlemen who dissent from Mr. Webster have no

reason to be ashamed. If they stand on this question with Jefferson, Patrick Henry, Channing, Barnes and Wayland, of our own country, with Clarkson, Sharp, Macaulay and Wilberforce, who headed the anti-slavery movement in England, with Rhode Island, Connecticut, New York, Pennsylvania and Virginia, as they stood, or a large portion of their inhabitants at least, as far back as 1791, when they sent in memorials to Congress for the abolition of slavery;—if they stand with the members of the Legislatures of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York and Ohio, *all of whom* expressed strong anti-slavery views *at their last* sessions, they have no reason to be ashamed of their company.

In order to show the extent to which the views prevail, which have been advanced by the Boston Atlas, by the members of Congress and the masses of intelligent and patriotic citizens in Massachusetts, who have dissented from Mr. Webster, I will quote from the action of some of these Legislative bodies. To go back, however, first to the memorialists of 1791.

In the memorial from Connecticut it is stated :

“That the whole system of African slavery is unjust in its nature, impolitic in its principles, and in its consequences ruinous to the industry and enterprise of the citizens of these States.”

The memorialists from Pennsylvania say :—

“We wish not to trespass on your time by referring to the different declarations made by Congress, *on the inalienable right of all men to equal liberty*, neither would we attempt in this place, to point out the inconsistency of extending freedom *to a part only of the human race*.”

Hear, however, the voice that sixty years ago was uttered by Virginia :—

“Your memorialists believing that ‘righteousness exalteth a nation,’ and that slavery is not only an odious degradation, but *an outrageous violation of one of the most essential rights of human nature*, and utterly repugnant to the precepts of the gospel, which breathes ‘peace on earth, and good will to men,’ they lament that a practice so inconsistent with true policy, and the *inalienable*

*rights of men*, should subsist in an enlightened age, and among a people *professing that all mankind are by nature equally entitled to freedom.*"

These memorials were not only read in the House of Representatives, but were referred to a select committee.

The following are some of the resolutions passed by the States referred to:—

MAINE, (July 6, 1849.)

"Whereas, The people of Maine regard slavery with feelings of profound abhorrence, as conflicting with the great principles of freedom and free government, detrimental to political progress; that it ought not to be upheld or sanctioned in the capital of our glorious Union, the very sanctuary of liberty; therefore,

"Resolved, That our Senators and Representatives in Congress be requested to use their utmost influence to abolish slavery and the slave trade in the District of Columbia by all constitutional means."

MASSACHUSETTS, (April 27, 1850.)

"Whereas, The people of Massachusetts, acting under a solemn sense of duty, have deliberately and repeatedly avowed their purpose to resist the extension of slavery into the National Territories, or the admission of new slave States into the Union, and for these ends, to apply, in every practical mode, the principles of the Ordinance of 1787; also, to seek the abolition of slavery and the slave trade in the District of Columbia, and the withdrawal of the power and influence of the General Government from the support of slavery, so far as the same may be constitutionally done; and whereas, the important questions now before the country, make it desirable that these convictions should be reaffirmed. \* \* \* \*

"Resolved, That the integrity and permanence of American power on the Pacific Ocean, the increase of our commerce and wealth, the extension of our institutions, and the cause of human freedom on this continent, require the immediate admission of California into this Union, with her present constitution, without reference to any other question or measure whatever.

"Resolved, That the sentiments of the people of Massachusetts, as expressed in their legal enactments, in relation to the delivering up of fugitive slaves, remain unchanged; and, inasmuch as the legislation necessary to give effect to the clause of the Constitution, relating to this subject, is within the exclusive jurisdiction of Congress, we hold it to be the duty of that body to pass such laws only, in regard thereto, as will be sustained by the public sentiment of the free States, where such laws are to be enforced, and which shall especially secure to all persons, whose surrender may be claimed, as having escaped from labor and service in other States, the right of having the validity of such claim determined by a jury in the State where such claim is made.

“ Resolved, That the people of Massachusetts, in the maintenance of these, their well known and invincible principles, expect that all their officers and representatives will adhere to them at all times, on all occasions, and under all circumstances.

The above passed the Senate with only four dissenting voices, and in the House unanimously.

NEW HAMPSHIRE, (July, 1849.)

In substance as follows :

1. That the people deeply regret the existence of slavery in this Union, as a great social evil, and fraught with danger to the peace and welfare of the nation. 2. That both the opponents of slavery and slaveholding communities, have in periods of excitement, resorted to measures they have opposed and censured, and slaveholding communities have resorted to measures equally deserving of the severest condemnation. 3. That they will respect all the rights which the Constitution guarantees to the slave States. 4. That they are firmly and unalterably opposed to the extension of slavery over any portion of American soil now free.

VERMONT, (Nov. 12, 1849.)

*Resolved by the Senate and House of Representatives, That slavery is a crime against humanity, and a sore evil in the body politic, that was excused by the framers of the Federal Constitution as a crime entailed upon the country by their predecessors, and tolerated solely as a thing of inexorable necessity.*

*Resolved, That our Senators and Representatives in Congress be requested to resist, by all and every constitutional means, the extension of slavery in any manner, whether by the annexation to slaveholding Texas, of territory now free, or by the admission to the Union of Territory already acquired, or which may be hereafter acquired, without any prohibition of Slavery.*

NEW YORK, (Feb., 1850.)

In substance as follows :

1. That laws should be passed that will effectually and forever put an end to the slave trade in the District of Columbia. 2. That they will oppose, by all constitutional means, the extension of slavery over the territory acquired from Mexico. 3 That the extension of human slavery, or the jurisdiction of Texas over any part of New Mexico, shall be firmly resisted. 4. That California should be admitted into the Union, with her present Constitution. 5. That the people of New York will oppose all attempts to effect a dissolution of the Union.

## OHIO.

The Democratic Convention passed the following resolution, January 8, 1850

Resolved--That the people of Ohio, now, as they always have done, look upon the institution of slavery in any part of the Union, as an evil, as unfavorable to the full developement of the spirit and practical benefits of free institutions; and that, entertaining these sentiments, they will at the same time feel it to be their duty to use all power clearly given by the national compact, to prevent its increase, to mitigate, and finally to eradicate the evil.

The Whig State Convention, on the 6th May, 1850 :

Resolved — That in all territorial governments hereafter organized by Congress, we here reiterate the principle declared by the Whig State Convention of 1848, “that there shall be neither slavery nor involuntary servitude therein, otherwise than for the punishment of crime.”

I have before me, also, the action of more than twelve of our most influential ecclesiastical bodies, that have passed resolutions similar to these. Some of these I shall have occasion to quote in connection with other points.

Besides, there is a vast amount of hostility to this system, in the Northern, Western, and even some of the Southern States, which has never been expressed beyond private circles, because of the injudicious and denunciatory course of the extreme ultraists upon this question. These thousands have been and continue to be silent, from the fear of being charged with being parties to “an unjust and unnatural union,” such as Mr. Stuart refers to.

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### NO. III.—IS SLAVERY A “MALUM IN SE”—AN EVIL IN ITSELF?

IN § 2, Mr. Stuart discusses this question, and takes the ground that slavery is not a *malum in se*, and appeals to the Bible to prove the correctness of his position.

“One leading position of the anti-slavery party,” he says, (p.22,) “a thousand, thousand times repeated, is, that slavery, on the part of the master is a crime of the first magnitude, — a real

*malum in se* — a *crimen capitis* — a misdeed to be placed by the side of murder, adultery, robbery, treason, and the like.”

Now, this language or form of putting the question I do not appear here to defend, neither am I called upon to defend those, if they are such, who use this language. As I belong to no anti-slavery party, or society, I have nothing to do with their phraseology, except to remark, that it is often of such a character as to impede the progress of the cause that they espouse, and seriously embarrass the action of the mass of judicious, though decided and earnest opponents of the system of slavery.

It is sufficient, therefore, in order to meet fairly and fully our author's reasoning, to take the position that slavery is a sin, a “*malum in se*,” and as such has no warrant in the Holy Scriptures. If I understand Professor Stuart, he denies this. At the close of his Old Testament argument, he says, (p. 42) : “It will not do here to alledge that the Hebrews were permitted to hold slaves, because they were an obstinate and rebellious people. It is only in matters less strenuous than this, (I mean such as were not *mala in se*,) that any indulgence of this kind could be granted. \* \* \* \* \* Slavery, therefore, under the Jewish dispensation, by purchase from the heathen, *was not* one of these crimes.”

In opposition to this, I affirm that slavery, or the subjecting of our fellow men to involuntary servitude, and forcing them to labor for our benefit, is *semper et ubique*, always and every where a sin, a direct violation of our obligations to man and our duties to God. The guilt of this sin, however, is not in all cases equal, but varies according to the light that the slaveholder enjoys, and the civil laws under which he lives. Should Professor Stuart, or the Hon. Daniel Webster, purchase and own slaves they would be vastly more guilty than Senator Foote or the delegates to the Nashville Convention would be, should they do the same thing.

In some parts of the South, there are many circumstances that greatly mitigate the guilt of this sin, and I rejoice to acknowledge, that some masters and mistresses treat their servants with great kindness.

Before subjecting the position which we have assumed to the test of the Bible, it will aid us, in our discussion, to define the meaning of

the phrase *malum in se*. The word *malum*, as used by latin authority, sometimes means simply an injury or hurt, without any moral quality pertaining thereto. Cicero thus uses it in the passage "*malum mihi videtur esse mors*." (see Stuart's Ed. of Select Classics, vol. 1, p. 17, § 6.) At other times it is used in the sense of moral evil. Our author designs, no doubt, to use this term in his pamphlet, in a very definite sense; and, yet, in a letter which he wrote to Dr. Fisk, under date of Andover, April 10, 1837, which letter was published, he said, in speaking of the sin of slavery, "The *abuse* of it is the essential and fundamental wrong. Not that the theory of slavery is right in itself. No. 'Love thy neighbor as thyself.' But the relation, once constituted and continued, is not such a *malum in se* as calls for immediate and violent disruption at all hazards."

"*Not such a malum in se.*" Then, it seems, in the view of our author, that there are different kinds of *mala in se*, but which kind slavery is he does not inform us. "But the relation once constituted and continued, is not such," &c. Then, if we understand this language, the sin and guilt of slavery lessens after the relation is constituted and continued; that is, the longer a man holds his slaves, the less is his guilt; a doctrine which it would certainly not be very safe for us to apply, from the pulpit to other sins. If I steal my neighbor's horse, the relation of thief, "once constituted and continued," would not, I think, *lessen* the sinfulness of the act. But the Professor says too, "Not that the theory of slavery is right in itself." If now, the theory of slavery is not right, it is obviously wrong, and morally wrong.

Indeed, Professor Stuart acknowledges on the very next page, after given the leading position of his opponents, respecting the sinfulness of slavery, (page 23,) that "slavery for the most part, originates in violence, and has its deepest foundation in the simple, but utterly unjust principle, that "*might is right*." Now, if it "*originates in violence, and has its deepest foundation in the utterly unjust principle, that might is right,*" is it not properly termed a moral evil, a "*real malum in se?*" Can that which rest upon an *utterly unjust principle*, be right under any circumstances?

I dwell thus upon this point, because it is a fundamental point



in our argument, and because Professor S. devotes a large portion of his pamphlet to *prove from the Bible* that slavery is *not a malum in se*. Indeed, this opinion is the great "*quietus*" to the consciences of Christian slaveholders, and its fallacy should be exposed.

There is one important distinction, however, to be made between the nature of sin, and the guilt of sin. One may "offend against right," or transgress a moral law of God, ignorantly, and not be chargeable with guilt; while another with greater light and knowledge, may commit a similar act and grossly sin.

This distinction with reference to the terms, "*moral evil*" is brought out with great clearness and force by President Wayland, (see letter to Dr. Fuller, page 24) whose authority as well as words, I am happy to quote. He says: "The term *moral evil* may be used to designate two ideas, widely dissimilar from each other, and depending upon entirely different principles. In the one sense it means wrong, the violation of the relations which exist between the parties, the transgression of the moral law of God. In the other sense, it signifies the *personal guilt*, which attaches to the being who does the wrong, violates the obligation, or transgresses the law.

In the first sense, moral evil depends upon the immutable relations which God has established between his moral creatures.

In the second sense, meaning personal guilt, it depends upon light, knowledge of duty, means of obtaining information on the subject, and may be different in different persons, and at different times."

He also adds: — "It has seemed to me that much of the misunderstanding which has existed on this subject has arisen from the want of attention to this obvious distinction. We at the North, have considered too exclusively the first, and you, at the South, as exclusively the second of these meanings of the term moral evil. The one party has shown that slavery is always a violation of right, and has inferred, that, therefore, it always involves equal guilt. The other party has urged the circumstances in which they and their slaves are placed, and has aimed to show that in their present condition they are not necessarily chargeable with guilt, and hence have inferred that slavery is not a wrong, or the violation of any moral law."

President Wayland then goes fully into his reasons for regarding slavery as a moral evil, after making the following declaration : "I believe it to be a wrong, *utterly and absolutely* at variance with the relations which God has established between his moral and intelligent creatures."

Mr. Stuart accuses the enemies of slavery of calling it "a sin of the first magnitude." How many degress below this will he place it? In his classification of sins, where will he insert this, that he acknowledges rests "upon an utterly unjust principle," that he would sooner "cut off his right hand" than vote for, that "turns the image of God into goods and chattels,."

The truth is, that Mr. Stuart has so much conscientiousness, so much Christianity in his heart, that he cannot prevent the scintillations of his humanity and sense of right, from bursting up through the frame work of his cold arguments.

Throughout his pamphlet, as we shall soon see, there are scattering these columns of light that cheer on the reader in his pilgrimage through this waste of exploded theories, and serve to reveal the fallacy of all the arguments that are adduced in favor of slavery.

The Hon. Mr. Webster is unfortunate in having so conscientious a defender. Would he obtain solid and lasting comfort under his present trials, he must go elsewhere than to the Theological Seminary at Andover. Where all\* three of the Professors who signed the letter of approval, to rush to his rescue, I apprehend that they would not be able to render him any very essential service. Men who have been studying all their lives such passages as "Thou shalt love thy neighbor as thyself," "Whatsoever ye would that men should do unto you, do ye also unto them," are not able to render consolation adequate to the present case.

In succeeding numbers we shall bring slavery to the test of scripture authority, and endeavor to show that it is a *malum in se*, or more definitely, a moral evil.

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\* It is due to the reputation of the venerable and highly respected Theological Institution at Andover, to state, that only one of the Professors officially connected with the Seminary signed the letter of approbation that was sent to Mr. Webster.

#### IV. THE BEARING OF THE OLD TESTAMENT UPON SLAVERY.

Does the Bible sanction slavery in any of its forms, or under any circumstances ?

This is the question now before us, and we wish to meet it fairly and honestly. We have no disposition to turn or twist any passage out of its obvious meaning to suit our views, neither shall we soften down any testimonies or denunciations that we find recorded against this great system of iniquity.

We allow that slavery is an institution of great antiquity. It existed before the flood—in the times of the patriarchs—under the Mosaic dispensation—when the prophets wrote—and at the time Christianity was established. Under the patriarchs, however, the system existed under many modifications, which rendered it less severe and rigorous than it is in our own land. Moses found the institution in existence, and at once enacted laws for the regulation of master and slave, and to ameliorate the condition of the slave. He provided that Hebrew men should be held in slavery only *six* years, and that on the seventh year *they should go free*. Mr. Stuart gives us a view of the manner in which men became slaves, and of their condition among the Hebrews, which is substantially the same view that is given by Yahn, in his *Biblical Archæology*, by Horne, in his *Introduction to the critical study of the Holy Scriptures*, and by Commentators in general.

I will sketch briefly the ways in which men became slaves, and the treatment they received, using in part the language of Yahn, as translated by Professor Upham, in order that the whole subject may be fairly before us, and that we may be able to compare Hebrew slavery with American slavery.

Men became slaves :

1. *By being taken captives in war*. Some supposed this to have been the origin of Slavery.—Deut. xx. 11, xxi. 10.

2. *By debts*. These, as well as captivity in war, became an occasion of slavery, when they were so large that the debtor was unable to pay them.—2d of Kings iv. 1. Isaiah l. 1.

3. *By theft*, when the thief was too poor to repay the amount that he had stolen.

4. *By man stealing.* Against this crime, Moses enacted laws of very great severity.—Exodus xxi. 16. “He that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.”

Upon this passage, the Rev. Albert Barnes, one of our most distinguished scholars and ablest critics, makes the following remarks in his “Scriptural views of Slavery,” p. 118.

“The place which this solemn prohibition occupies in the Mosaic system, and the circumstances of the Hebrew people at the time, deserve to be attentively considered. It is among the first of the precepts which were uttered after the giving of the ten commandments on Mount Sinai. It was designed to stand among the precepts which were regarded as elementary. \* \* \* \* The crime referred to in this law of Moses, is stated in a three-fold form — *stealing, selling and holding* a man. All these are put on a level, and in each case the penalty was the same — *death*. This is, of course, the highest penalty that can be inflicted, and this shows that Moses ranked this among the highest crimes known to his laws. It is worthy of observation, also, that Moses distinguishes this in the strongest manner from all other kinds of theft. In no other case in his laws, is theft punishable with *death*.”

5. *By birth*, when the parents were slaves.

6. *By voluntary sale*, as when a man oppressed by poverty sold himself.

7. *By purchase*, by one master of another.

This was the most common method of obtaining them. The price of a slave was different, at different times, varying with the age, sex, health, skill, &c., or of the individual sold.

Let us now consider the *condition of slaves among the Hebrews*.

The great and redeeming feature of this system was that the seventh year, and especially on the year of jubilee, *all the Hebrew slaves were permitted to go free*. But, besides this, Moses required :

1. That servants or slaves should be treated with the greatest humanity.

2. That the master who slew a servant, of whatever origin, with a rod or by means of blows, should be punished according to the will or pleasure of the judge.

3. He also enacted if the master injured the servant by destroying an eye or a tooth, that is, according to the spirit of the law, by injur-

ing any member whatever, the servant, in consequence of this, should receive his freedom. See Exodus, xxi. 26, 27.

4. That the servants, on every Sabbath, and on all festival occasions, should enjoy a cessation from their labors. Exod. xx. 10; Deut. v. 14.

5. That the servants in accordance with an ancient law or custom, to which there is an allusion in Job xxiv. 10, 11, were entitled to, and should receive, an adequate subsistence from those to whom they were subject. Deut. xxv. 4; comp. 1. Tim. v. 18; 1 Cor. ix. 9.

6. Slaves who were Hebrews by birth were permitted to possess a little property of their own, as may be learned from Lev. xxv. 49, compared with II. Sam. 9, 10.

Such, then, is a concise view of Hebrew slavery, in an age of comparative ignorance and darkness. With regard, however, to slaves obtained from among the Canaanites, I would remark, that these were treated, in some respects, with more severity than the Hebrew slaves. All, however, were required to be circumcised, and were thus admitted to all the privileges of the Jewish religion. But the inquiry now arises, if slavery is a moral evil, a sin, why did God sanction it among his chosen people? If, by the word "sanction," the inquirer means *approve*, I would reply, that God did not sanction or approve of slavery, any more than he sanctioned or approved of polygamy, or concubinage, sins that were then prevalent; or any more than he approved of bloody and cruel wars, when he allowed, and even *commanded*, the Hebrews to slay the idolatrous Canaanites. If by *sanction* the inquirer means *permission*, then I reply:

1. That God has seen fit to make to mankind a gradual revelation of his will, affording more light to those living in patriarchal times than to the antediluvians, more to those living under the Mosaic dispensation than to their predecessors, more to the Christians than to the Jews, and he has permitted this and other sins because of the people's "hardness of heart."

2. Had Moses at once abolished slavery, and the same remark will apply to polygamy and divorce, the results might have been destructive to his administration, and the whole Mosaic economy.

We should remember how obtuse were the moral sensibilities of those with whom he had to deal, — how feeble was the light that they enjoyed, and how difficult it was for him to keep the whole people from falling into the grossest idolatry. Had he, under such circumstances, positively forbidden these sins, his authority would doubtless have been derided, and all his designs of gradually elevating and instructing the people would have been defeated.

With regard to polygamy and divorce, we know that these are violations of the principles which God has established between the sexes, and contrary to his law. Yet Moses did not forbid these sins. He not only allowed them, but established laws prescribing the manner in which a wife should be put away, and the rights of the first born be decided. The views advanced by our Saviour, in his discussion with the Jews on this point, as recorded by Matt. xix. 3 — 9, are worthy of our special attention.

“The Pharisees also came unto him, tempting him, and saying unto him : Is it lawful for a man to put away his wife for every cause ? And he answered and said unto them : Have ye not read that he which made them at the beginning, made them male and female, and said, For this cause shall a man leave father and mother and shall cleave to his wife, and they twain shall be one flesh ? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away ? He saith unto them, Moses, because of the *hardness of your hearts*, suffered you to put away your wives ; *but from the beginning it was not so*. And I say unto you Whosoever shall put away his wife, except it be for fornication, and shall marry another, *commiteth adultery*, and whoever marrieth her which is put away, *doth commit adultery*.”

Here we see that an act that is permitted and regulated by Mosaic laws, under one degree of light, is under another and higher degree, pronounced, by the highest authority, adultery. Will not Professor Stuart acknowledge that the sin of adultery is a *malum in se* ? If he does acknowledge it, then he utterly destroys his whole train of argument, by which he endeavors to prove that slavery is not a “*malum in se*.” For he distinctly and repeatedly affirms, that if slavery is a *malum in se*, God would never have sanctioned, or permitted it ; and it follows that if adultery is a *malum in se*, God could not have sanctioned or permitted this. Observe that our Saviour

does not say that the putting away of a wife, &c., is like adultery, or as bad as adultery, but he that doeth this committeth adultery. What kind of a sin, therefore, I ask Professor Stuart, is adultery? Let us hear his own words. On page 42, in summing up his old testament argument, he says :

“ I have but one question more to ask, and I shall then leave this part of our subject. This question is very simple and plain : Did the God of the Hebrews give permission to them to commit a *malum in se*? Did he give unlimited liberty to do that which is equivalent to murder and *adultery*? To this point the matter comes. There is no shunning the question. It will not do here, to alledge that the Hebrews were permitted to hold slaves, because they were an obstinate and rebellious people. It is only in matters *less* strenuous than this, (I mean such as were not *mala in se*.) that any indulgence of the kind could be granted. Crimes *mala in se* cannot be transformed into *no crimes*, by heaven or earth. Slavery, therefore, under the Jewish dispensation, by purchase from the heathen, was not one of these crimes. The God of the Bible could never sanction the commission of such.”

Again, on page 22, he accuses his opponents of making slavery “ a misdeed to be placed by the side of murder, *adultery*, &c.”

Now I wish to press this point with all the force that the case demands. The “ question is very simple and plain.” Indeed it is. “ Did the God of the Hebrews give permission to them to commit a *malum in se*? ” I answer, if he permitted them to do that, which under a higher degree of light Christ pronounced adultery, and if adultery is a *malum in se*, as Professor Stuart, by the plainest implication acknowledges, (for he classes adultery with murder, for the express purpose of showing that it is a *malum in se*, and as such a higher crime than slavery,) then God does give permission to commit a *malum in se*, in the circumstances referred to. “ To this point the matter comes. There is no shunning the question.” *There is indeed no shunning it.* If Professor Stuart affirms, as he has done, “ that the God of the Bible could never sanction ” or permit a *malum in se*, and if Christ affirms, as he has done, that a form of adultery (which sin Professor Stuart admits is a *malum in se*,) was sanctioned by God on account of the hardness of the Hebrew heart, then either Christ or our author is in the wrong. To which shall we bow? and what becomes of Professor Stuart’s boasted argument?

What too shall we say of one, standing as high as Professor Stuart does, for putting into the minds of the slaveholders in our land, the idea that the Bible does not condemn slavery as an evil in itself, and thus strengthening, by a false exegesis, this gigantic system of iniquity!! In the name of the 3,000,000 of oppressed slaves in our land, who are interested, deeply, vitally interested in the truth or fallacy of this reasoning, in the name of the tens of thousands who are conscientiously asking, What says the Bible on this question of slavery that is agitating the *community*? I do solemnly protest against this perversion of God's holy word to sustain a system that already has such strength, and is struggling with such violence to extend itself over soil now consecrated to freedom.

If I, in my zeal for humanity should be betrayed into a false exegesis, or a misapplication of scripture, I should hope, at the bar of the American conscience, and at the bar of God, to be more readily acquitted, than though I had been led into such errors to make out a case in favor of slavery.

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## V. GRADUAL EMANCIPATION.

On page 29 our author refers to a circumstance in the legislation of Moses, in regard to slavery, which he employs as an argument against the doctrines of the immediate emancipationists of the present day. The circumstance is this:

When a law was enacted by Moses, on coming out of Egypt, that after six years' service, the slave should be free, it applied to male servants alone, and not to female servants. As Mr. Stuart justly remarks, "Such was the universal feeling on the subject of slavery, when he began to legislate that it would have been hazarding disobedience and rebellion, if Moses had freed females, as well as males, after six years' service." But at the expiration of forty years, when the people had become in a measure prepared for it, he applied the law to females also, and required that on going free, they should be (Deut. xv. 14,) furnished liberally out of the flock, the floor, (granary) and the wine-press.



After presenting this case, our author submits the following remarks :—

“ Why now did not Moses do this thing at Sinai ? He had both the power and the right, for he was divinely commissioned. Why then did he not do it ? Simply, I answer, because he had common sense and judgment enough to see, that legislation could not change the established internal structure of a nation or commonwealth in a day. There must be a *preparation* for obedience, before the law would (or morally speaking) could be obeyed. How different such a policy was from that which is trumpeted by the immediate emancipationists of our day, it needs no words of mine to show. However, the great Jewish legislator seems to be a very insignificant person in the view of many of these zealous gentlemen. They think that his eyes were but half opened, if indeed they were open so far. Of course, they let this matter of his alone, as much as possible, and try to *ignore* it in all feasible ways. No wonder. It is a precedent of frowning aspect on all heated rashness and extravagance, especially in respect to great questions where national and universal usages of long standing and deep root are concerned.”

Let us now inquire whether this precedent does not frown upon the great mass of slaveholders in our country, who are doing nothing to meliorate the condition of their slaves, rather than upon those who demand that the system of American slavery be at once abolished. We see that in forty years, in the time of Moses, great progress was made in improving the condition of Hebrew slaves. We live at the distance of more than 3000 years from the time of Moses, and enjoy not only the institutions of the prophets, but the superior light of Christianity. We have a system of slavery in the bosom of one of the freest, most enlightened, most Christian nations upon the face of the globe.

It is reasonable, therefore, to expect that this system will be as superior in mildness to the Hebrew system, as that was to the system of the antediluvians.

Let us compare them.

1. Under the Hebrews, the slave was held only for six years. I speak now of the slaves of Hebrew origin, and not of foreign slaves. The latter were held for life, and were subject to a more grievous bondage. As the act of legislation now under consideration, related to the Hebrew slaves, it is proper that we compare American slaves with these, and not with the other class.

In our country, we all know that slaves are held for life ; and not only are there no provisions for their future emancipation, but in several States there are laws which are designed to perpetuate slavery. In Georgia, laws were passed in 1801 and in 1818, threatening with severe penalties, those who should manumit their slaves, except through the action of the Legislature. The law passed in 1801 is as follows : (See Prince's Digest, 457.)

“If any person or persons shall, after the passing of this act, set free any slave or slaves, in any other manner, or form than the one prescribed herein (that is, by a *special* legislative act] he shall forfeit for every such offence two hundred dollars, to be recovered, &c., and the said slave or slaves so manumitted and set free, shall be still to all intents and purposes, *as much* in a state of slavery as before they were manumitted by the party or parties *so offending*.”

The law of 1818, (See Prince's Digest, 466,) is still more severe, and forbids, by even heavier penalties, any one from giving his slaves their freedom, by will, at his death. Such a will and testament is declared “utterly null and void,” and “each and every slave or slaves in whose behalf such will and testament shall have been made, shall be liable to be arrested, and be sold as a slave or slaves by public outcry.”

A similar law was enacted by North Carolina, and in other States manumitted slaves are required to be removed beyond the limits of the States. Our laws upon this point are even more severe than those of the Turks at the present day. For Lieutenant Lynch remarks :

“By a law of the Ottoman Empire, no one within its limits can be held in slavery for a period exceeding seven years. - - - -  
In Turkey, every colored person employed by the Government receives monthly wages ; and if a slave, is emancipated at the expiration of seven years, when he becomes eligible to any office beneath the sovereignty.”

Were the Mosaic system to be applied to American slavery, it would be, by the operation of those laws, very soon abolished.

2. If the Hebrew master destroyed an eye or a tooth of the slave, he was obliged by law to give him his freedom. Have we any such law upon our statute books ? Judge Stroud has given us a view of the slavery laws in the United States, published in Philadelphia in

1827, from which it appears that the severest cruelties may be committed by the master, while the slave has no redress whatever.

*“The master may at his discretion inflict any species of punishment upon the person of his slave.”—Stroud, p. 35.*

Even for the murder of a slave, the murderer, in several States, is subject only to a fine ; and if the slave die under MODERATE CORRECTION, the master is fully acquitted ! A law was passed to this effect, in North Carolina, in 1798. It closes thus : “Provided always, this act shall not extend to a person killing a slave outlawed, &c. or to any slave in the act of resistance to his lawful owner, or to any slave DYING UNDER MODERATE CORRECTION.” (See Haywood’s Manual, 530, as quoted by Rev. Albert Barnes, in his “Scriptural Views of Slavery,”) to whom I am indebted for several of the laws here referred to.

I might cite other laws similar to this, which show that the American slaveholder can, not only destroy the teeth and eyes of his slave lawfully, but can even murder him lawfully, if he does it in cool blood, and while *moderately* correcting him. In 1740 the following act was passed in South Carolina :

“In case any person shall wilfully cut out the tongue, put out the eye, or cruelly scald, burn, or deprive any slave of his limb, or shall inflict any other cruel punishment, other than by whipping or beating with a horsewhip or cow-skin, or by putting irons on, or confining or imprisoning such slave, every such person shall for every such offence forfeit the sum of one hundred pounds.” [See 2 Brevard’s Digest, 241.]

Here we see that for the paltry sum of one hundred pounds, a slave may be seriously injured, and rendered wretched for life ; and if it be proved that the injury was not *cruelly* inflicted, no penalty is required. How different is this law from that of Moses, which demanded that the slave should be set free, if deprived only of a single tooth !

3. Hebrew slaves enjoyed every religious privilege, were required to be circumcised, were invited to the national feasts and festivals, and were regularly instructed in the duties of morality and religion.

In this land, the laws of Virginia, Georgia, and South Carolina, positively forbid the assemblies of slaves for religious purposes, or for

instruction. For these laws, see Judge Stroud's Slavery Laws, Brevard's Digest, Missouri Laws, Louisiana Code, Prince's Digest, &c. &c. For the sake of brevity, I will refer to but one.

In South Carolina, in 1800, magistrates were empowered with authority to disperse any such assemblies at pleasure. Whenever any "slaves, *free negroes*, mulattoes, and mestizoes are met together for the purpose of mental instruction," the magistrates are "required" to enter such places and to "break the doors if resisted, and to disperse such slaves," &c., and the officers dispersing such unlawful assemblage may inflict such corporeal punishment, not exceeding twenty lashes, on such slaves, *free negroes*, &c., *as they may judge necessary for deterring from the like unlawful assemblages in future.*"

The Rev. Mr. Barnes, (Scriptural Views, &c. p. 183,) very truly remarks.

"The means for moral and religious instruction are not granted to the slave, but, on the contrary, the efforts of the charitable and humane to supply these wants are discountenanced by law.

. . . The slave has no *means* of erecting a place of worship, nor could he be the owner of the house erected, or of the land on which it stood, or even of the most simple communion service, or of the Bible or hymn-book which might be used. He has no means of supporting the gospel; he has no Bible from which to give instruction to his children, if he had the ability, nay, it is well known that within a few years there have been positive prohibitions in many of the slave States against teaching the slave to read the Bible at all, and that this has been a penal offence."

4. The Hebrew master was obliged to provide for the marriage of his maid-servants, unless he took them as concubines or gave them to his son. In the latter case (Ex. xxi. 9) he was to deal with them after the manner of daughters.

In most of our slave states there is no recognition of the marriage relation among slaves, and consequently the family relation is utterly destroyed. Upon this point hear professor Stuart himself, when his conscience is aroused to the abominations of American slavery. He says, p. 104.

[3] In this form of slavery, all the sacred social relations of life are destroyed. Husband and wife, parent and child, brother and sister, are not

known in law, nor protected nor cognized by it. In conformity with this these relations are every day severed by some slave-dealers, without regard to the feelings of the wretched beings who are torn asunder; and all their parental, conjugal, and filial sympathies are the subject of scorn if not of derision. *No invasion of human rights can be worse than this*, none more directly opposed to the will of God, inscribed upon the pages of the Scripture, and on the very nature of mankind.

[4.] As the inevitable consequence of this, the mass of slaves must live, and do live, in a virtual state of concubinage; which, so far from being restrained, is often encouraged for the sake of increasing slave-property."

"*No invasion of human rights can be worse than this*,"—and yet Mr. Stewart chastises those who declare that such a system should be *immediately abolished*!!

5. Hebrew slaves were permitted to own some property, and if they or their friends could purchase their freedom, *the master was bound by law* to manumit them. The price also was fixed which the owner could not exceed.

Compare with this the law of Louisiana:—

"A slave is one who is in the power of his master to whom he belongs. The master may sell him, dispose of his person, his industry, and his labor. He can do nothing, possess nothing, nor acquire anything but what belongs to his master."—[Civil Code of Louisiana.]

But I need not pursue this contrast. It is sufficiently evident that instead of advancing upon the Hebrew system, we have retrograded with fearful velocity. Our system holds somewhat the same relation to that under Moses, that the present rude, unsightly, hideous idols of the heathen, hold to the elegant and graceful statuary, which were the objects of worship among the ancients. Yet Mr. Stuart cites the incident referred to in the legislation of Moses, "as a precedent of frowning aspect on the heated rashness" of those who advocate the doctrine that this system of iniquity be immediately abolished. Is not that act of emancipation on the part of Moses, rather a precedent "of frowning aspect" upon the wicked resistance that is made by the South, to all efforts to improve the condition of their servants.

Besides, when we consider how American slavery has increased under the doctrine of *gradual emancipation*, the number of slaves

being, in 1790—607,897, and in 1840—2,487,355—when we look at the intense zeal that is manifested by the South to extend the evil over soil that is now free ; when we read the Hon. Mr. Clay's compromise bill, by which we must purchase the privilege of admitting free California, at such an enormous sacrifice of humanity, justice, and freedom, we are amazed that Professor Stuart should, with the Bible in his hand, fly to the assistance of those who are, by all the means in their power, laboring to strengthen and perpetuate this cruel system ! We are amazed at his readiness to censure such men as Judge Jay, the Hon. Messrs. Mann, Wilmot, and others, who are struggling to save California, New Mexico, and as much of Texas as possible, from the curse of American slavery.

If my humble and feeble words can reach the ears of those noble men, in our national councils, the Hon. Horace Mann, the Hon. John P. Hale, the Hon. J. R. Giddings—the Hon. William H. Seward, the Hon. Thaddeus Stevens, and others, whose masterly arguments and stirring appeals have so often been heard in behalf of freedom, I would urge them to stand firm,—remembering that tens of thousands of hearts beat in sympathy with theirs, remembering that when they plead for the rights of man, for the claims of humanity, for the *eternal principles of justice*, they have a nation of freemen for an audience, whose shouts of applause, could they reach them, would cause the very dome of the capitol to tremble.



## VI. THE BEARING OF THE OLD TESTAMENT UPON THE FUGITIVE SLAVE QUESTION.

We come now to a point of vital moment in our discussion, and one upon which our author dwells with much earnestness. As Mr. Webster has laid before us our constitutional obligations to recapture fugitives, Mr. Stuart has given us what he deems the scriptural sanction for the same thing.

The passage which he examines is recorded in Deut. xxiii. 15. 16.

“Thou shalt not deliver unto his master the servant which is escaped from his master unto thee. He shall dwell with thee, even among you, in that place which he shall choose, in one of thy gates, where it liketh him best ; thou shalt not oppress him.”

His exegesis of it, is as follows, p. 30.

"The first inquiry of course is : Where does his master live ? Among the Hebrews, or among foreigners ? The language of the passage fully develops this, and answers the question. "He has escaped from the master unto the Hebrews [the text says *thee*, i. e. Israel] ; *he shall dwell with thee, even among you . . . in one of thy gates.*' Of course, then, he is an *immigrant*, and did *not* dwell *among them* before his flight. If he had been a Hebrew servant, belonging to a Hebrew, the whole face of the thing would be changed. Restoration, or restitution, if we may judge by the tenor of other property-laws among the Hebrews, would have surely been enjoined. But, be that as it may, the language of the text puts it beyond a doubt that the servant is a *foreigner*, and has fled from a *heathen master*. This entirely changes the complexion of the case."

He then goes on to prove, that the fugitive in this case, was one from a foreign nation, and not one fleeing from one Hebrew tribe to another.

In reference to a Hebrew servant of a Hebrew master he says, p. 37 :

"Who could take from him the property which the Mosaic law gave him a right to hold ? Neither the bondman himself, nor the neighbor of his master to whom the fugitive might come. Reclamation of him could be *lawfully* made, and therefore must be enforced."

In order to place Mr. Stuart's reasoning before the reader in all its force, I will quote still further from pages 31, 32 :

"With this view of the matter before us, how can we appeal to the passage in question to justify, yea, even to urge the retention of fugitive bond-men in our own country ? We are one nation—one so-called *Christian* nation."

The Mosaic law does not authorize us to reject the claims of our fellow countrymen and citizens, for strayed or stolen property—property authorized and guaranteed as such by Southern States to their respective citizens. These States are not *heathen*. We have acknowledged them as *brethren*, and *fellow citizens* of the great community. A fugitive from them is not a fugitive from an idolatrous and polytheistic people. And even if the Bible had neither said nor implied anything in relation to this whole matter, the solemn *compact* which we have made, before heaven and earth, to deliver up fugitives, when they are men *held to service* in the State from which they have fled, is enough to settle the question of legal right on the part of the master, whatever we may think of his claim when viewed in the light of Christianity."

If I understand Professor Stuart, (for I would remark that sometimes when men find that their arguments are unsound, or their reasoning fallacious, they are free to complain, that they are not understood, or that their language is perverted,) if then I understand Professor Stuart, he labors to establish the following positions: 1. That the passage of scripture, Deut. xxiii. 15, 16, quoted, applies only to fugitives from foreign nations. 2. That fugitives from one Hebrew tribe to another must be delivered up. "Reclamation of him could be *lawfully* made, and therefore must be enforced." 3. That we stand related to Southern slaves as the Hebrews of one tribe stood related to the slaves of another. 4. That we are bound on Mosaic authority to deliver up the fugitive to his Southern master. 5. That "even if the Bible had neither said nor implied anything in relation to this whole matter, the solemn compact that we have made, before heaven and earth, to deliver up fugitives when they are men held to service in the State from which they have fled, is enough to settle the question of legal right on the part of the master, *whatever we may think of his claim when viewed in the light of Christianity.*"

I wish that the reader would carefully compare these five positions with the quotations that I have made from the pamphlet; or better, compare them with the pamphlet itself, that he may see whether I state the case correctly.

Let us now subject them to an honest and critical examination.

1. What are the evidences that the passage quoted (Deut. xxiii. 15, 16,) applies *only* to fugitives from foreign nations. Mr. Stuart tells us that the evidences are in the structure of the passage—in the phraseology; that "*unto thee*" means *unto the Hebrews*; and that "*ever among you*" implies that he did not dwell among them before his flight. But is this so clear? May not the phrase *with thee* mean—with the individual, or family, to which the slave flees, as well as the whole Hebrew nation? We find other passages where the pronoun has this singular as well as general meaning. But I will not press a different exegesis of the passage, particularly as the great majority of our ablest commentators regard the command as applying to foreign fugitives.

Still the spirit and influence of the passage, all must allow, are



decidedly hostile to the institution of slavery. An invitation is, in fact, given to slaves to escape to Palestine, as to an asylum of freedom, where the laws of the land, strengthened by the authority of heaven, will be extended over them for their protection: "*Thou shalt not deliver unto his master the servant which is escaped,*" &c. The command is *imperative, absolute*. He shall dwell with thee where it liketh him best—*thou shalt not* oppress him. Thus Moses designed that the country under his jurisdiction should be the refuge of the oppressed of all nations, and, by this law, and the seventh-year-emancipation law, he was, as rapidly as possible, making Palestine a free country. Had the Governor of California the power to enact a similar law in regard to fugitives, how long could slavery live in Texas or Louisiana?

But while most commentators regard the passage cited as applying to foreign fugitives, others consider it as including all fugitives. President Wayland takes this latter view. He says, page 59 of his letters to Dr. Fuller:

"The Hebrews were not only positively forbidden to deliver up a slave who had escaped from his master, but were commanded to allow him to dwell in the place that he chose in any of the gates where it liked him best, [Deut. xxiii. 15, 16.] . . . This precept, I think, *clearly* shows that Moses intended to abolish slavery. How could slavery long continue in a country where *every one was forbidden to deliver up a fugitive slave*? How different would be the condition of slaves, and how soon would slavery itself cease, were this the law of compulsory bondage among us."

May we not infer, too, from the language used by the Congregational Ministers of Massachusetts, in the series of strong anti-slavery resolutions passed *at their last annual meeting*, that they regard this law as of universal application.

"It is as certain as any moral demonstration can be that except as a punishment for crime, *the real genius, the true spirit* of the Mosaic institutions is utterly repugnant and destructive to all slaveholding and slavery! It is the spirit of UNIVERSAL FREEDOM, and therefore the genius of UNIVERSAL EMANCIPATION."

"Within the last quarter of a century, a new impulse has been given to freedom. State after State has published its testimony against the intolerable wrong of slavery. . . . He who shall defend it, defends that which Christendom

with concurrent voice has united to reprobate, and is hastening to destroy."

"It well becomes the Convention of the Congregational ministers of this ancient Commonwealth, solemnly to declare to the world their deep conviction of THE INJUSTICE AND INHUMANITY of the system of slavery, and of its absolute repugnance to ALL THE PRINCIPLES OF THE WORD OF GOD."

Now these men, and others whom I might quote against Professor Stuart's views, do not certainly belong to that *rash* and *extravagant* class to whom our author refers, and who he says "regard the great Jewish legislator as a very insignificant person." They are cool, discriminating, Christian men; men who love the Bible, and who will adhere "to the law and the testimony," with as much tenacity as Professor Stuart.

Nor is it necessary for our learned author to be so sensitive, as to the reputation of Moses, in the discussion of these points as he appears to be. He says, in referring to an opponent in another connection. "He will probably think very ill of Moses, and not be very courteous towards me, for venturing to quote him. However, if there is any blame here it falls on the great Jewish legislator and not on me." But if the great Jewish legislator is misquoted, or his language *misapplied*, where must the blame fall?

2. But I hasten to the *second* of the five propositions laid down—viz: *That slaves fleeing from one Hebrew tribe to another must positively be delivered up.* Upon what does our author base this opinion? He says: if he had been a Hebrew servant, the whole face of the thing would be changed. Restoration or restitution, *if we may judge by the tenor of other property laws* among the Hebrews, would have been surely enjoined." p. 30, quoted before.

This is the foundation of his reasoning upon this point. On this he grounds our obligation to restore the fugitive from American slavery. But has he nothing *positive* to bring forward—has he not one passage of scripture that enjoins this duty of restoring the Hebrew fugitive? Has Prof. Stuart, I would respectfully ask, studied the Bible forty years without finding a single passage that requires the restoration of the Hebrew fugitive? Are all his solemn exhortations to us, to deliver up the captive, based upon nothing but his judgment of the tenor of other property laws?

What are these other property laws? Let us look into this matter.

On searching the Pentateuch I find (Deut. xxi. : 1-3) the following property laws, to which, I presume, our author refers :

“Thou shalt not see thy brother’s ox or his sheep go astray, and hide thyself from them, thou shalt in any case bring them again unto thy brother. And if thy brother be not nigh unto thee, or if thou know him not, then thou shalt bring it unto thine own house, and it shall be with thee till thy brother seek it, and thou shalt restore it to him again.

In like manner shalt thou do with his ass; and so shalt thou do with his raiment and all lost things of thy brother, which he hath lost and thou hast found, thou shalt do likewise.”

Now if there are any stronger property laws than these, I should like to have them pointed out. Have we then, here, anything respecting fugitive slaves? The only point at which slaves can be brought in, is under the head of “things.” But were slaves, who were admitted to all the privileges of the Jewish faith, who were to be free in six years, who could own property, &c., *things*? If the *American* system of slavery was the system now under consideration, the Professor might perhaps base an argument upon this passage that would be tolerably firm; for our laws call slaves goods and chattels. The Constitution of South Carolina declares :

“Slaves shall be deemed, sold, taken, reputed and adjudged in law to be *chattels personal* in the hands of their owners and possessors, and their executors and administrators, to all intents, constructions and purposes whatever.”

But in this case no exegetical skill, no straining or twisting of the language can make Hebrew slaves, things. Besides, the lawgiver had just been speaking of raiment, after speaking of beasts, and the natural expression would have been “things,” or “anything else.” Hebrew slaves then were not oxen, nor sheep, nor asses, nor raiment, nor things, and yet our author tells us the “restitution, if we may judge by the tenor of other property-laws, *would have surely* been enjoined.”

What evidence have we of it? We call for proof. Those who believe that the Bible is opposed to slavery, and that Moses legislated against it call for proof?

The 3,000,000 of American slaves upon whom this question is

made to bear with fearful power, call for proof. They ask, and they ask too, not as theorists, not as mere disputants, not as cavillers, but *as living and breathing men*, who have a vital, absorbing, personal interest in the question. They would like to know, too, whether in their flight they are to be captured on Bible principles, or on U. S. Constitutional principles. They would like to know, whether, after passing all the dangers incident to an attempt to obtain their freedom, after getting beyond the reach of the Constitution, they are liable to be taken by those who will seize them in the name of the Bible, and by the authority of Moses.

If our author appears before us as the special protector of Moses' reputation, we trust that he will not add to his burdens on this slavery question. It is true he did make laws to regulate the system, and he did allow the people to subject heathen slaves to a perpetual bondage, but before, I believe, that he commanded any fugitive to be restored, I should like to see the proof.

And yet our author says—"Reclamation of him could be *lawfully* made, and therefore must be enforced."

To borrow an expression from the professor, we must say to such conclusions from such premises, "Angels and ministers of grace defend us."

But even allowing that Mr. Stuart is able to quote a strong and decisive law enacted by Moses, requiring that the Hebrew fugitive be delivered up, what bearing would that law have upon us, if certain other principles, which he has laid down in other connections, are correct.

In referring to the patriarchs, and elsewhere to the Mosaic institutions, he says, p. 25 :

"I shall enter into no argument here in defence of the patriarchs, as to the usages now in question. In one sense they do not concern us, for the blessed God, by his gospel, having scattered the darkness of early ages, has made us to walk in the clear light of the Sun of Righteousness."

And on the next page he says :

"But Abraham and the other patriarchs lacked our light. If they had possessed it, there cannot be a doubt that they would have followed its guidance, and rejoiced in it. Noble traits of character they had, but it needs the blessed

gospel of God to make men ‘perfect, thoroughly furnished unto every good work.’ What Christ has *commanded* is our rule, and not what the patriarchs *did*, who lived when the light was just beginning to dawn.

“What Christ has *commanded* is our rule!” What then have we to do with the “restoration” laws of Moses, even had he enacted any?

3. We now come to the *third* of the five points, which Mr. Stuart endeavors to sustain in relation to the question before us. This point is, that we stand related to Southern slavery, as the Hebrews of one tribe stood related to the slavery of another tribe, and *that on this ground*, we ought to deliver up the fugitive. “Are our brethren at the South, heathen?” asks the Professor. I answer no. There are many devoted Christians there,—there are kind hearts there, noble and conscientious men there; but their system of slavery is heathenish, Professor Stuart himself being the judge. Compare the laws of South Carolina, Georgia and other slave States with the laws of Moses. I have already quoted some of those laws, and exhibited, to some extent, the contrast. But I may be asked, is it not too strong an expression to call this system heathenish? I would reply, if Southern defenders of Slavery call it thus, I trust that I shall be excused for believing what they say. Hear, then, the testimony from the Court of South Carolina.

“The condition of slaves in this country is analogous to that of the ancient Greeks and Romans, and not that of the feudal times. They are generally considered not as persons, but as THINGS. They can be sold or transferred as goods or personal estate; they are held to be *pro nullis, pro mortuis*. By the civil law, slaves could not take property by descent or purchase; and I apprehend this to be the law of this country.” — *Dess. Rep. IV*, 266. *South Carolina*.

Let me now develop more fully the Greek and Roman system, to which our system, according to the declaration of the Court of South Carolina, (good authority on this point) is analogous, Horne, in his “Introduction to the study of the Scriptures,” in quoting from Taylor’s elements of the Roman Civil Law, remarks, vol. 2, p. 166: “Among the Romans more particularly, slaves were held—*pro nullis* — *pro mortuis* — *pro quadrupedibus* — for no men — for dead men — for beasts; nay, were in a much worse state than any cattle

whatever. They had no *head* in the State, no name, no tribe, or register. . . . Exclusive of what was called their *peculum*, whatever they acquired was their master's; they could neither plead nor be pleaded, but were entirely excluded from all civil concerns. They were not entitled to the rights of matrimony, and therefore had no relief in case of adultery. They might be sold, transferred or pawned like other goods or personal estate."

From Adam's Roman Antiquities, we learn that Roman masters had absolute power over their slaves, and might scourge them, or put them to death at pleasure. This right was exercised with such cruelty, at some periods of the republic, that laws were enacted at different times to restrain it. The lash was commonly used for punishment, but for certain crimes slaves were branded on the forehead. Sometimes they were forced to carry a piece of wood around their necks, wherever they went, which was called *furca*. When slaves were beaten, they were suspended with a weight tied to their feet, that they might not move them. When they suffered capital punishment, they were usually crucified, though this punishment was prohibited under Constantine. If a master was slain in his own house, and the murderer not discovered, all his domestic servants were liable to be put to death. In a single instance of this character, 400 were destroyed. (Tacit. Ann. xiv. 43.)

Slaves could not appear as witnesses in a Court of Justice, nor make a will, nor inherit property. In short, they were robbed of all their rights, and were oftentimes treated far worse than the beasts around them. Prof. B. B. Edwards, of Andover, one of our most accomplished and accurate scholars, in an article on "Roman Slavery," published in the Biblical Repository, Oct. 1835, remarks:

"The groans from the *ergastula* do not reach our ears. We cannot gather up the tears which were shed on the Appian way, around the mausoleum of Augustus, on the countless farms of Italy. There were griefs that we know not of, sorrows, heart-rending cruelties, which will not be revealed till the day of doom. Slaves were valued only so far as they represented money. Hortensius cared less for the health of his slaves than for that of his fish. It was a question put for ingenious disputation, whether in order to lighten a vessel in a storm we should sacrifice a valuable horse or a worthless slave. So late as the reign of Adrian, we find that indications of insanity were not uncommon among slaves, which must generally be attributed to their misery."

Yet this is the system to which the Courts of South Carolina say *our* system is analogous. Let the reader take notice that I do not say it, for that would at once be pronounced abuse and slander; *but South Carolina says it herself*. Indeed, there is no slave State in this Union that pretends that its system of slavery is like the Jewish system. Mr. Stuart may, indeed, say that the analogy to which he refers relates to masters, and not to the slaves. But in order that this reasoning may hold good, the two systems of slavery, Hebrew and American, *must be similar*. If the Hebrew fugitive was restored to his master, (of which fact, however, we have not yet received a particle of proof) the ground of such restoration must have been the mildness of their system of slavery, and the equal religious privileges that the slave enjoyed with his master. In these respects, every one knows that our system differs materially from the Hebrew system.

But let us now hear Prof. Stuart himself, respecting American slavery. Let us see what he thinks of the system, to the blighting and blasting influence of which, he feels conscientiously bound, on Bible authority, to restore the panting and trembling fugitive.

He says, page 104, —

“(2) As existing among us, slavery has taken its worst form; it degrades men made in the image of their God and Redeemer, into brute-beasts, or (which makes them still lower) converts them into mere *goods* and *chattels*.”

Can any language be stronger than this?

Again:

“(7) Slavery in its best attitude in our country, even among humane and Christian masters, is a degradation of a whole class of the community, below their proper rank as men. Even where the colored men are free, and educated, and well-behaved, they are considered as unworthy of any civil consideration. They cannot become *citizens*, in a slave-holding State. No civil, no patriotic sympathies, can be theirs. “Stand by thyself, for I am holier than thou,” is the universal answer to all aspirations after *citizenship*. And this is not all. They are degraded in their own eyes. They are discouraged from all attempts to rise, by a knowledge of the utter impossibility of rising. What were the whole Greek nation, a few years ago, when under the domination of the Turks? Just what every people will be, who have masters over them, and who are denied their political and civil rights.

Where now did one class of our race obtain a license to keep down and degrade another, when 'there is one and the same God of the Jews and the Gentiles?' And how will they answer before the tribunal above, on which that God sits, *who is no respecter of persons?*"

Here I give but two specifications of the nature and evils of Southern slavery, out of ten that the Professor has brought forward, and yet because he infers "from the tenor of other property laws," that the Hebrew fugitive was restored, he gravely argues that we are *bound* to deliver up the American fugitive. Upon a simple inference he bases our obligation; an inference which, though resting upon sufficient grounds, would not apply to American slavery, as we have most abundantly shown.

4. The fourth point is that we are *positively bound on Mosaic authority* to deliver up the fugitive to his Southern master.

Now if all the three foregoing points had been established by our author, still he could not quote Mosaic authority or Hebrew usage to govern us, because he has repeatedly admitted, that we, being under the Christian dispensation, are not to be governed by the Patriarchal or Mosaic systems. "What Christ has *commanded* is our law," he says. And again, in another connection, he has said, in relation to buying slaves, and if his reasoning applies to this, it applies to other points: —

"At all events, none can reason from the case of the Jews — the one favored, pre-eminent, secluded nation — to the case of men, who lived after the coming of Him, "who broke down the middle wall of partition between Jews and Gentiles," proclaimed one common God and Father of all; one common Redeemer and Sanctifier; that this God is no respecter of persons; and that 'he has made of *one blood*, all the nations that dwell on the face of the earth.' — I say none can now crave liberty to purchase slaves of the Gentiles or Jews, on the ground of Mosaic permission. He might as well insist on the liberty of polygamy and concubinage, both of which Moses allowed — I cannot say *encouraged*, for evidently this is not the case. He allowed it for the same reason that he allowed divorce at the will of the husband. Our Saviour has told us what this reason was, viz: "The hardness of their hearts." The light of the gospel dissipates all these deeds done in claro-obscure light. *All reasoning of this kind is null, if it be at variance with the spirit and precepts of the gospel; which is now our supreme law.*"



I would direct special attention to this last clause. Even therefore, admitting that the Jewish legislator did institute a law requiring the restoration of the Hebrew fugitive, which we deny; even admitting that Southern slavery is like Hebrew slavery, which the Southern statesmen and jurists themselves deny, and Professor Stuart himself denies (for he says that slavery among us has taken its *worst form*) — still on the principle just quoted, we have no right to “reason from the case of the Jews” to ourselves, who have the gospel “*which is now our Supreme law.*”

To attempt to make this plainer would be like endeavoring to add light to the sun.

5. I pass, to consider the last point, which requires us to deliver up the fugitive to his master, on constitutional grounds, “whatever we may think of his (the master’s) claim, when viewed in the light of Christianity.”

The bearing of the Constitution of the United States on this question we shall fully consider under another head.

If we understand our author, he tells us (see 5th specification in full) that we are legally bound to deliver up the fugitive, even in opposition to the light of Christianity. That is, he places the Constitution and civil law above Christianity. If his words mean any thing, this is his doctrine — a doctrine which, to receive from such a source, chills my very blood. Had such a sentiment come to us from the pen of a Southern clergyman, whose zeal for slavery had betrayed him into the utterance of so rash and revolting a doctrine, we could have borne it. But to receive it from one whose name is identified with the Biblical literature of our nation; one, who in times of peril has been the able and successful defender of our common faith; one, of whose reputation we have been proud, and whom, to the very last hours of his useful life, we should have delighted to honor, this is, indeed, a severe and heavy blow.

But perhaps I hear the voice of our author saying, “meet me with argument, not emotion.”

Let us examine, then, the principle laid down. If it is under any circumstances justifiable for one, when the civil law comes in conflict with God’s law, to “obey God rather than man,” it would seem to me, the case before us is such a case. Here is, we

will suppose, a conscientious Christian who has studied, seriously and profoundly, the Bible, and derived from this standard his views of the rights of man. He holds these truths, not only to be scriptural, but, according to the language of our "Declaration of Independence," to be "self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among them are life, liberty, and the pursuit of happiness."

These truths have taken strong hold not only of his heart, but of his reason, his sense of justice and right. He could not himself traffic in human beings, in men made in God's image, endowed with an intellectual and immortal nature,

"For all the wealth  
That sinews bought and sold have ever earned."

He therefore refuses to deliver up the fugitive on conscientious grounds. Shall he be sustained? This is the question. Humanity, indeed, answers yes. Tens of thousands in the Northern and Western States thunder out, YES. But will the Bible sustain him? Or as Professor Stuart places the question, shall he in this instance obey the gospel, or the civil law.

That there are cases in which it is right to set aside, and even resist civil authority, I think that all Christians will allow. When the apostles were forbidden to preach in the name of Christ, and were summoned before the council, and required to answer to the charges brought against them, Peter and the other Apostles answered and said, "We ought to obey God rather than men." Acts v. 29.

In regard to the duties that we owe to civil rulers, the Bible is more full and explicit than in regard to duties between the master and the slave. Paul says, Romans xiii. 1, 2; "Let every soul be subject unto the higher powers; for there is no power but of God. The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation." And in the 5th verse, "Wherefore he must needs be subject, not only for wrath (i. e. not only from fear of punishment) but also for conscience sake."

This was written in the time of the despotic and cruel Nero, and has been quoted from that day to this, by tyrants, to sustain them.

selves in their despotism. But did the signers to our Declaration of Independence — did the fathers of this great Republic subscribe to the doctrine, that the most obvious interpretation of the passage seems to teach? Did they believe that it was their duty to support a government that robbed them of their rights, that defeated the great designs for which government is established? In their Declaration of Independence, just quoted, they say “that when any form of government becomes destructive of these ends,” (that is, of the rights and happiness of the governed,) it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations in such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.”

While, therefore, they recognized the general obligations that mankind are under, to submit to, and obey their rulers, they did not believe that bad institutions ought to be perpetuated, or that they were called upon to bow to the sceptres of tyrants. The Rev. James Macknight, D. D., in his Commentary on the Apostolic Epistles, remarks upon the 5th verse of the 13th chapter of Romans, just quoted, as follows: “By the phrase, ‘It is necessary for you to be subject,’ the apostle did not mean, that they were to be subject to the sinful laws of the countries where they lived; otherwise he made it necessary for the Roman brethren to join in the worship of idols, contrary to the superior obligation they were under, of obeying God rather than man. Besides, by telling them that they were to be subject on account of conscience, he intimated that the subjection which he enjoined did not extend to things sinful.”

But will Professor Stuart take the ground that the civil laws are in no case to be disobeyed, even when they are in conflict with the principles of Christianity. Let us hear him when his conscience is aroused, upon a single evil of slavery. In his ten specifications of these evils, (p. 104 — 107,) he alludes to the laws of the South respecting the non-education of slaves, and what does he say?

“(5.) Ignorance profound, and nearly universal, is the inevitable lot of the great mass of all who are held in bondage. In some of the States, the learning even to *read* is forbidden; thus contravening, with a high hand, the command of Heaven to ‘search the Scriptures.’ In such a case, obedience to a human law is crime; it is treason against the Majesty of heaven and earth.”

Here then we have it. The Professor admits that there is a case in which "*obedience to a human law is crime* ; IT IS TREASON AGAINST THE MAJESTY OF HEAVEN AND EARTH."

If now a person may violate one, out of ten laws, touching this wicked system of slavery, may not a conscientious person refuse to put back a fugitive, *where he will suffer the evils of the whole ten* ?

If Mr. Stuart would encourage the slave to learn to read, on the ground that "*obedience to a human law*," the law of South Carolina, "*is a crime*," on the ground that "*it is treason against the majesty of earth and heaven*," may not another, on the same ground, refuse to restore the fugitive to a position where he will not only be deprived of the privileges of education, but where he will be subject to the whole catalogue of fearful evils, that slavery in "*its worst form*" must bring upon him ?

If Mr. Stuart is so conscientious with reference to one of his ten specifications, may not others have some conscientiousness with reference to the whole ? May they not feel that to bind chains upon men, when they have once broken them, — chains that "*degrade them into brute beasts*," and "*convert them into goods and chattels*," is, in this day of light, and this land of freedom, "*treason against the majesty of heaven and earth*."

Mr. Stuart's positions, then, himself being the judge, cannot be sustained. Indeed, his whole argument on this question is so weak — its fallacy is so obvious, that it needs simply to be stated, in order to be overthrown. It crumbles under a simple touch. And yet, several of our religious papers — to their shame be it spoken — are extolling this Scriptural argument, and seem to imagine that the Professor has settled the question beyond all dispute. The New York Observer, in a notice of this pamphlet, in the paper of July 6th, says: "Professor Stuart, of Andover, has rendered a good service to the country in his recent work, entitled '*Conscience and the Constitution*,' by a fair exposition of the subject of slavery, as it existed among the Hebrews, in Old Testament times." The editors then quote the comments of the Professor upon the passage relating to fugitive slaves, "*to show*," they say, "*the error of those who regard this passage as opposed to the Constitution of the United States*."

Can we wonder that the abominable system of American slavery continues to curse this nation, when such divines, and such *religious* newspapers, sustain it by so gross a perversion of the word of God? I do not hesitate to declare that, to quote the legislative acts of Moses, to sustain this system of slavery, is a libel upon the great Jewish lawgiver, and an insult to the Divine Author of the Scriptures.

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## VII. THE PROPHETS AND SLAVERY.

Before leaving the Old Testament, there is one passage in the prophecy of Isaiah, upon which our author remarks, and which is worthy of our attention, as it affords evidence of the progress, that light and knowledge had made among the people, in the times of the prophets, and of the bolder and more decided tone which the messengers of God used in condemning prevailing sins.

The passage is in Isaiah lviii. 6, "Is not this the fast that I have chosen? to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke?"

Of all the prophetic texts, the Professor tells us, this has been appealed to most frequently and confidently by the opponents of slavery. This, in his view, has been their great battle-axe, with which they have labored to demolish the citadel of slavery. As the great expounder of the Scriptures, he comes upon the field to break in pieces this weapon. Let us see how he accomplishes his purpose.

I quote all that he says upon the passage, that the reader may feel the full force of his reasoning:

"Of all the prophetic texts, I believe Is. lviii. 6 has been the subject of appeal most frequent, and confident too. What says it? 'Loose the bands of wickedness; undo the heavy burdens; let the oppressed go free; break every yoke.' The prophet further enjoins, that they shall give bread to the hungry, house-shelter to poor wanderers, and clothing to the naked. He then adds: '*Hide not thyself from thy own flesh.*' And who, then, are they that are thus described? Plainly, *fellow-countrymen, citizens of the same commonwealth, and kindred by blood.* Let the reader, if he doubts this interpretation of the expression *one's own flesh*, open his Bible at Gen. xxix. 14; 2 Sam. v. 1, xix. 13, 14; Judg. ix. 2. It is clearly the oppressed and degraded *Hebrews*, then, of

whom the prophet is speaking in this whole passage. It has no special relation to slaves at all, whether heathen or Jewish. Surely heathen slaves would not be called, by Isaiah, the 'own flesh' of the Hebrews. Yet this passage is printed in staring capitals every day, as the sentence of an ultimate and supreme tribunal, which decides the cause of the Abolitionists in their favor."

What, then, have we here in the way of exegesis? An anomaly, at least, all the critics will allow. We have a professed interpretation of a passage, where *not one word, one syllable, one letter*, of the interpretation bears upon the passage in question. The comments are made upon the verse *that follows*, which alludes to another and distinct class of persons, namely, the poor and destitute; and the conclusion is falsely applied to both verses.

I will give the following verse, (6th,) that we may compare the two :

"It is not to deal thy bread to the hungry, and that thou bring the poor, that are cast out, to thy house? — when thou seest the naked, that thou cover him; and that thou hide not thyself from thine own flesh?"

In this verse we see most clearly that the hungry, the poor, and naked are referred to, who have claims upon *our compassion*, while in the preceding verse the oppressed, those in bondage, are spoken of, who have claims upon our justice. The two classes are entirely distinct. The first are slaves. The second are the poor, including one's poor relatives, "kindred by blood." Yet because the prophet exhorts the people, (after he had closed his exhortation respecting slaves,) "to feed the hungry and clothe the naked, and not even hide themselves from their own flesh," the Professor gravely asks us if slaves are "kindred by blood?" "Surely heathen slaves would not be called by Isaiah, the 'own flesh' of the Hebrews!" And pray who has said they were thus called? Why does Mr. Stuart leave the verse, and carry the field of argument down to the latter clause of the following verse, which has no more bearing on the point in question, than the close of one of the commandments, has upon the preceding commandment.

The simple question is to whom does the prophet refer when he says, "Loose the bands of wickedness — let the oppressed go free — break every yoke." The phrase, "To loose the bands of wickedness," had probably a general signification, and required that every unjust tie, by which the people had bound their fellow-men,

should be broken. The meaning of the phrase "and let the oppressed go free," is so obvious that it scarcely needs an explanation or defense. Yet to place the matter beyond all doubt, let me quote a few authorities upon it. The Rev. Albert Barnes, in his learned and critical Commentary upon the book of Isaiah, remarks on this phrase, v. 3, p. 556, "It may be applied to those who are treated with violence in any way, or who are oppressed and broken down by hard usage. It may refer, therefore, to slaves who are oppressed by bondage and toil; or to inferiors of any kind, who are subjected to hard usage by those who are above them. The use of the phrase here, 'go free;' however, seems to limit its application in this place, to those who were held in bondage."

Jerome renders it, "Free those who are broken," the word broken being a more literal translation of the original Hebrew word.

The LXX. give this rendering "set at liberty those who are broken down." "The expression refers to those who were held in oppressive bondage, and doubtless relates to those who were kept as slaves." Mr. Barnes devotes six pages of his commentary to the consideration of this single verse; in which he goes into a full account of slavery as it existed in the time of Moses, and clearly proves that this passage relates to slaves, as well as to other oppressed persons.

Dr. Alexander, of Princeton, in his late able commentary upon Isaiah, remarks upon this passage, as follows:

"Most interpreters suppose a particular allusion to the detention of Hebrew servants, after the seventh year, contrary to the express provisions of the law. (Ex. xxi 2; Lev. xxv. 39; Deut. xv. 12.) Grocius applies the term in a figurative sense to judicial oppression. . . . It is evident, however, that the terms were so selected as to be descriptive of *oppression universally*, to make which still more evident, the Prophet adds a general command or exhortation, 'Ye shall break every yoke.'

The learned and pious Mathew Henry, in commenting on the passage says, "Not only let those who are wrongfully kept under the yoke go free, but brake the yoke of slavery itself, that it may not serve again another time, nor any be made again to serve under it."

But we may be told, that, at that time, it was lawful to hold slaves, and where was the propriety in exhorting the masters to let them

go free? Might not, I would ask, the prophets use all the moral means within their power, — use arguments and persuasion, to induce the people to abandon the sin of slavery, though it was permitted?

Indeed the prophets were accustomed to rebuke severely, the people for sins that the civil law permitted, and by means of this and other measures, some of these evils were greatly mitigated before the advent of Christ. Take for instance the solemn expostulation, in reference to divorce and polygamy recorded in Malachi ii. 15, 16: “Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth. For the Lord, the God of Israel, saith, that *he hateth putting away*: for one covereth violence with his garment, saith the Lord of hosts: therefore take heed to your spirit, that ye deal not treacherously.”

Were I in a city where it was lawful for men to deal in intoxicating drinks, might I not use persuasion and moral means, to induce these dealers to abandon their traffic? Might I not say to them as from God, “Is not this the fast, or the religion that I have chosen, that ye give up this destructive business, that ye cease to do evil?” Mere forms will avail nothing before Him “who searcheth the heart.”

Besides, the phrase in the following verse, “And that thou hide not thyself from thine own flesh,” in a distinct exhortation, even from the other part of the verse. Mr. Barnes thus remarks upon it: — “To hide one’s self from them may be denoted either, (1) To be ashamed of them on account of their poverty, or their humble rank in life; or (2) to withhold from them the just supply of their wants. Religion requires us to treat all our kindred, whatever may be their rank in life, with kindness and affection.”

Why Professor Stuart should present us with such a commentary upon his passage, I am at a loss to determine. If this exegesis is one of his Paixhan guns, of which he speaks, we have no occasion to cry, “Angels and ministers of grace defend us,” for we can defend ourselves.

But seriously, it is a grave and solemn matter for a conscientious Christian and eminent Biblical scholar, to attempt to wrest this passage out of the hands of the opponents of slavery, by such means as he has employed.

There is little probability, however, that these opponents will



nor will they cease from printing it in “staring capitals,” unless the Professor appears with some weightier arguments against it than those which he has produced.

Does not such reasoning however, as the pamphlet before us contains, tend to bring the Scriptures into contempt in the eyes of a large class of persons, who with some humanity, have but little reverence for the Bible, or respect for its authority. Does it not also strengthen those who while pleading for the slave, have already denounced the Scriptures, and wickedly trampled under their feet, this sacred volume.

Professor Stuart in his pamphlet (pp. 40, 41,) administers what he doubtless regards as a very severe chastisement to some correspondent of a newspaper, who signs himself Ariel, for misapplying scripture phrases in his love for the slave. The Professor says of him :

“I suppose, by his frequent appeals to the Scriptures, that he may be a minister of the Gospel. If so, I can only condole with his people, that they have not a more discriminating guide to lead them to a right knowledge of the meaning of the Scriptures. If the quotations above, and the construction put upon them, do not show him to be a mere sciolist in the knowledge of the Bible. it would be difficult to say what could exhibit proofs of such a predicament. I add only, that the last three texts above are printed in *staring capitals* ; why, I know not, unless it be to proclaim to the world what a *capital* exegete he is.”

May I not condole with the readers of Mr. Stuart's pamphlet “*that they have not a more discriminating guide, to lead them to a right knowledge of the Scriptures.*”

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#### VIII.—THE BEARING OF THE NEW TESTAMENT UPON SLAVERY.

We now approach a department of our subject, which, to the sincere Christian, is one of deep interest. We come to sit at the feet of the Great Teacher, in obedience to the command — “Learn of me.” We come not as cavillers, not as partisans, not to pervert or misapply the words of “Him who spake as never man spake,” but to listen, with an humble spirit, to his instructions. And while, as

disciples, we would be “clothed with humility,” as the defenders of the great principles which we may be taught, we would “*put on the whole armor of God*,” and maintain with invincible firmness, the positions in which Christ may place us. We would stand, “having our loins girt about with truth.”

Mr. Stuart, in the fourteen pages (43-56) that he devotes to this branch of the subject, considers the conduct of Christ, with reference to the civil government of the Jews, and the directions of the Apostles, that were given to masters and slaves, respecting their duties one towards another. He allows that the Gospel embraces principles, the operation of which will gradually abolish slavery; but, from the course pursued by Christ and his Apostles, he argues with no little zeal, against those who, at this day advocate the doctrine of immediate emancipation.

In speaking of Christ, he shows, what we readily allow, and what we would ourselves insist upon, — that the Saviour’s object in instructing his disciples, was, to lay down general principles applicable to all the relations of life, rather than give specific directions in relation to specific evils. Had he violently assailed those sins that were interwoven with the social habits and civil institutions of the Hebrews, he would, among those “Scribes, Pharisees, and hypocrites,” — those “whited sepulchres,” who would neither listen to argument or persuasion, have raised a storm about him that would have utterly defeated his plans. We find him, therefore, saying little about the despotism of the Roman rulers, the system of slavery that prevailed, the desecration of the Sabbath, and other specific sins; but he places before the consciences of the world, great principles of truth, duty, and benevolence, that are designed to overthrow every despot, break every chain, and restore to every man his rights. Some of these principles we will now consider in connection with Mr. Stuart’s examination of those passages in the epistles to the Ephesians, Colossians, &c., which slaveholders are so fond of reading to their slaves, and which afford to the conscientious slaveholder so many excuses for his sins. Among them are the following. Let us begin with Paul. The first passage I shall quote, is Eph. vi. 5-9 :

(5) Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ : (6) Not with eye-service, as men-pleasers ; but as the servants of Christ, doing the will of God from the heart ; (7) With good will doing service, as to the Lord, not to men ; (8) Knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether he be bond or free. (9) And, ye, masters, do the same things unto them, forbearing threatening : knowing that your Master also is in heaven ; neither is there respect of persons with him.

The Ephesian church was not the only one to whom Paul preached after the same tenor, in regard to slavery. To the Colossians (iii. 22-25) and iv. 1 he says :

(22) Servants, obey in all things your masters according to the flesh ; not with eye-service, as men-pleasers ; but in singleness of heart, fearing God ; (23) And whatsoever ye do, do it heartily, as to the Lord, and not unto men ; (24) Knowing that of the Lord ye shall receive the reward of the inheritance : for ye serve the Lord Christ. (25) But he that doeth wrong, shall receive for the wrong which he has done : and there is no respect of persons. (iv. 1) Masters, give unto your servants that which is just and equal : knowing that ye also have a Master in heaven.

The other passages, 1 Tim. vi. 1-4, Epistle to Titus, ii. 9, 10, 1 Peter, ii. 18, &c., are of the same import as those already quoted. That these injunctions require that the slave be obedient and respectful to his master, is obvious to every reader. But it is equally obvious from the whole tenor of the New Testament, that we may receive directions how to act under certain circumstances, while great guilt may rest upon the party towards whom we are commanded to exercise forbearance or obedience. Christ says, Matt. v. 44, " Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you." But does this command justify others in being our enemies, in hating us, in despitefully using us, in persecuting us ?

Can the persecutor persist in his persecution on the ground that the duties of his victims are enjoined by divine authority ? Christ also says [v. 39,] " whosoever shall smite thee on thy right cheek, turn to him the other also." But will obedience to this law justify the smiter ? So of other commands, — " If any man will sue thee at the law, and take away thy coat, let him have thy cloak also." " Whosoever shall compell thee to go a mile, go with him twain."

The soldier is commanded to be content with his wages, but shall we from this say that Christianity justifies war. Suppose upon this, and other incidental allusions to war, we should build up an argument in favor of this sin, how would it stand by the side of the command, "I say unto you, *love* your enemies?" Or should we build up an argument in favor of slavery, on the prescribed duties of the slave, how would this stand by the side of the command, "Thou shalt love thy neighbor as thyself?"

There is one passage, upon which our author offers extended critical remarks, which deserves a moment's attention. The whole passage [in 1 Cor. vii. 20-24: page 52,] is as follows:

(20) Let every man abide in the same calling wherein he was called. (21) Art thou called being a servant? care not for it; but, if thou mayest be made free, use it rather. (22) For he that is called in the Lord, being a servant, is the Lord's freeman: likewise, also, he that is called, being free, is Christ's servant. (23) Ye are bought with a price; be not ye servants of men. (24) Brethren, let every man, wherein he is called, therein abide with God.

Upon this Mr. Stuart remarks:

"When Paul wrote this, he had just been discussing the question whether circumcision or uncircumcision was of any consequence. He says it is of no consequence, so that no one need pay the least attention to it. \* \* \* \* But in passing from this matter to the consideration of slavery and freedom, Paul applies the same command or sentiment. He tells servants, that if they are called to be the Lord's freemen, while in a state of civil bondage, they need not have any solicitude about the matter—*μή σοι μέλειο*, *do not care for it*. If I dared to degrade Paul's pure and sober diction, by translating it into our vulgar and colloquial dialect, I might exactly and faithfully give the real sentiment of the original, thus: "Do not make a fuss about it." This is advice, which is not listened to as the eternal din and commotion on all sides, made by those who are neither slaves, nor in danger of becoming so, abundantly show. The advice is as completely ignored, as if it had never been uttered."

Here our author entirely fails in giving *the spirit* of the apostle's language, and grossly misapplies it, (as he does in the phrase *μή σοι μέλειο*, on the fourth page) to those who are anxious that American slavery be abolished. While Paul was writing this, his object was to impress the Christian converts with the insignificance of all worldly interests and circumstances, compared with the blessedness

of salvation through Christ. He had just been saying that circumcision was nothing, and then he adds, that even if one is in bondage, he need not be anxious or solicitous about it, as he is the Lord's freeman, (or more properly freedman,) and has a title to the rich rewards of another life. The "vulgar and colloquial dialect," used by our author as expressive of the original, "Do not make a fuss about it," does not give the meaning.

The primary meaning of the verb is "to care for," "to be concerned about," and is here used in the sense of anxiety or solicitude. We do not believe that the apostle intended to impress those in bondage with the idea that they were suffering under a trivial evil, but simply, that in comparison with the riches of being redeemed by the blood of Christ, it was trivial. That Paul did not regard slavery as a light matter, or one not "to make a fuss about," we shall soon most abundantly show, from a passage in his first epistle to Timothy which the Professor, I think, does not quote. In this connection he views it in somewhat the same light, in which he regarded his severe sufferings under a relentless persecution, when he said, "For our *light affliction*, which is *but for a moment*, worketh out for us a far more exceeding and eternal weight of glory." In this view of the passage, I am abundantly sustained by the ablest commentators.

Let me give the reader Dr. Macknight's paraphrase of it, that he may compare its tone and spirit with the Professor's exegesis — (1 Cor., vii. 20-22.)

He says, (20) "Since the gospel makes no alteration in men's political state, let every Christian remain in the same political state in which he was called, (21.) Agreeable to this rule, *Wast thou called, being a bondman? Be not solicitous to be made free*, fancying that a bondman is less the object of God's favor than a free man. *Yet, if thou canst ever be made free*, by any lawful method, rather *obtain thy freedom*. (22) But if disappointed, grieve not; *for a bondman who is called by the Lord*, possesses the greatest of all dignities: he is *the Lord's freedman*, being delivered by him from the slavery of sin."

The same view substantially, is taken by Bloomfield, Doddridge, Prof. B. B. Edwards, and other able commentators. Doddridge says:

"If liberty itself, the first of all temporal blessings, be not of so great importance, as that a man blessed with the high hopes and glorious consolation of Christianity, should make himself very solicitous about it, how much less is there in those comparatively trifling distinctions, on which so many lay so extravagant a stress."

But the application that our author makes of a portion of this passage, "Do not care for it," to those who are concerned about the evils of slavery, "who are neither slaves, (themselves) nor in danger of becoming so," is particularly unfortunate; as he has himself, in the latter part of his pamphlet, presented a view of the abominations of this institution, that ought to arouse the whole nation.

After completing the fifth specification, he says:

"(6) The inevitable consequence of all this is, that the young females, ignorant and without a sense of delicacy implanted and cherished, are at the mercy of their masters, young and old. And although the accusation of universal pollution among the masters of the South is far from being true, yet one cannot walk the streets of any large town or city in a slaveholding State, without seeing such a multitude of mulattos, mestizos, quadroons, etc., as proves, beyond all possible question, a widely-diffused profligacy and licentiousness. It is in vain to deny it. There they are, stamped by heaven with the indelible marks of their polluted origin — a spectacle which might make the sun to blush as he looks down upon them."

Again:

"(9) Another crying evil is, that men grow rich without industry, and become luxurious, and enervated, and prodigal, because they do not know the worth of money, having never labored to acquire it. Hence, the extremes of high luxury and degraded poverty in every slaveholding country. It is impossible that it should be otherwise."

And all this in a free, enlightened, philanthropic, Christian land, and yet we are exhorted not to care for it! The very words "not caring," are used on page 4. While we "cannot walk the streets of any large town or city in a slaveholding State, without seeing such a multitude of mulattos, mestizos, quadroons, etc., as proves *beyond all possible question, a widely diffused profligacy and licentiousness*;" while "females, ignorant and without a sense of delicacy, implanted and cherished, are at the mercy of their masters, old and young," — yet we are exhorted not to "care about it," "not to

make a fuss about it!" I absolutely am almost compelled to hold my breath in astonishment at such reasoning, or such exhortation — I hardly know what to call it. But hear the Professor still further, page 105 :

"When I think on the utter callousness which such vices generate in the hearts of men and women, the insensibility that is superinduced upon all that is delicate, and refined, and pure, and chaste, and lovely, I might well say with Jeremiah : ' Mine eyes run down with tears.' If there were no other argument against slavery, this alone would be amply sufficient to secure the reprobation of it, in the eyes of every impartial and enlightened Christian man."

What! the Professor's eyes "run down with tears," and yet others are to be chastised *for caring for it!!!* And this advice *to be quiet*, comes, too, from the Professor at the moment that efforts are being made, at the seat of our Government, to extend this awful evil, and curse soil now free, with all the abominations that he has so graphically and truly portrayed.

If this nation of freemen — this nation that in its own revolutionary struggle appealed to the God of Heaven for the justice of their cause, and for divine aid — this nation whose heart has recently beat in sympathy with the oppressed of foreign nations, — this nation, whose Christian charities are extended to all the kingdoms of the earth, can sit quietly and see *American* slavery extending, she deserves the execrations of the civilized world. At the bar of Heaven we should stand condemned as traitors to humanity, — as false to our free institutions, — false to the principles of justice, — false to Christianity, — false to God !

We now come to the consideration of the passage of St. Paul, in 1 Tim. i. 9,10. It runs thus :

Knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for man-slayers, for whoremongers, and them that defile themselves with mankind, for *man-stealers*, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine.

Our special business now is with the *men-stealers*, who, in this passage, at least, do not find themselves in very respectable com-

pany! The Greek word ἀνδραποδιστᾱς, which is translated *men-stealers*, is derived from the verb ἀνδραποδίζω, which is composed of ἀνήρ, *man*, and ποδίζω, *to fetter*. The meaning of the verb is “to make a slave; to subdue and reduce to slavery: to *exercise the trade of a slave merchant*.” The meaning of the noun is “one who makes a man a slave;” “*a slave merchant*,” that is, any one who traffics in slaves, who buys and sells human beings. But, asks perhaps, the startled reader, are you about to class all who buy or sell servants at the South, with liars, whoremongers, murderers of fathers, &c.” I reply, no; but I am *am about* to investigate this passage, to see *where the apostle Paul classes them*. He is good authority, South and North.

The learned grammarian Eustathius, and other grammarians of the first rank, tell us that ἀνδραποδιστής, in its popular sense, is a person “who deals in men;” literally *a slave trader*. “Our translators,” says Bishop Horsley, in one of his speeches in the House of Lords, “have taken the word in its restricted sense, which it bears in the Attic law, in which the δίχη ἀνδραποδισμοῦ was a criminal prosecution for the specific crime of kidnapping, the penalty of which was death. But the phraseology of the Holy Scriptures, especially in the preceptive part, is a popular phraseology; and ἀνδραπ διστής is a person who deals in men.”

Another able critic, in commenting upon the word, says, “Let then the slave traders, (Christians, alas!) of our times tremble; for *all* who in *any way* participate in that abominable traffic are ἀνδραποδισται, since they thereby uphold a system which perpetually *engenders man-stealing*.” \*

Macknight says, (p. 445 of Commentary on Epistles) in remarking upon the word, “They who, like the African traders, encourage that unchristian traffic, by purchasing the slaves whom they know to be thus unjustly acquired, *are partakers in their crime*.”

The Rev. Albert Barnes, in his notes on this passage, says, “The guilt of man-stealing is incurred essentially by those who purchase those who are thus stolen; as the purchaser of a stolen horse, knowing it to be so, participates in the crime. A measure of that

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\* See Bloomfield's Annotations on the New Testament, vol 8, p. 201.



criminality also adheres to all who own slaves, for it is a system known to have been originated by theft. This crime was expressly forbidden by the law of God, and was made punishable with death. Ex. xxi. 16. Deut. xxiv. 7."

Adam Clarke translates the word, "*slave-dealers*, whether those who carry on *the traffic in human flesh and blood*, or those who steal a person, in order to sell him into bondage," &c.

Let me now give the opinion of the General Assembly of the Presbyterian church of the United States, as expressed in 1794, authority that neither the Professor, nor the present members of both Assemblies can set aside.

Their doctrine at that period is stated in the *note b. appended to the one hundred and forty-second question of the larger Catechism, in these words:*

"1 Tim. i, 10. The law is made for man-stealers. This crime among the Jews exposed the perpetrators of it to capital punishment; Exodus xxi. 16; and the apostle here classes them with sinners of the first rank. The word he uses, in its original import, comprehends all who are concerned in bringing any of the human race into slavery, *or in retaining them in it*. *Hominum fures, qui servos vel liberos abducunt, retinent, vendunt, vel emunt*. Stealers of men are all those who bring off slaves or freemen, and keep, sell, or buy them. To steal a freeman, says Grotius, is the highest kind of theft. In other instances, we only steal human property, but when we steal or *retain* men in slavery, we seize those who, in common with ourselves, are constituted by the original grant, lords of the earth. Genesis i. 28. Vide Poli synopsin in loc."

In the year 1818, the General Assembly expressed more fully their views upon the evils of slavery, as may be seen in "The Digest of the General Assembly," from which the following extract is made:

"The General Assembly of the Presbyterian Church, having taking into consideration the subject of slavery, think proper to make known their sentiments upon it.

"We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; as utterly inconsistent with the law of God which requires us to love our neighbor as ourselves; and as totally irreconcilable with the spirit and principles of the Gospel of Christ, which enjoin that 'all things whatsoever ye would that men should do to you, do ye even so to them.' Slavery creates a paradox in the moral system — it exhibits rational, accountable, and im-

mortal beings in such circumstances as scarcely to leave them the power of moral action. It exhibits them as dependent on the will of others, whether they shall receive religious instruction; whether they shall know and worship the true God; whether they shall enjoy the ordinances of the Gospel; whether they shall perform the duties and cherish the endearments of husbands and wives, parents and children, neighbors and friends; whether they shall preserve their chastity and purity, or regard the dictates of justice and humanity. Such are some of the consequences of slavery; *consequences not imaginary*, but which connect themselves with its very existence. The evils to which the slave is *always* exposed, often take place in their *very worst degree and form*; and where all of them do not take place, still the slave is deprived of his natural rights, degraded as a human being, and exposed to the danger of passing into the hands of a master, who may inflict upon him all the hardships and injuries which inhumanity and avarice may suggest.

“From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their brethren of mankind, it is manifestly the duty of all Christians, when the inconsistency of slavery with the dictates of humanity and religion has been demonstrated, and is generally seen and acknowledged, to use their honest, earnest and unwearied endeavors, as speedily as possible to efface this blot on our holy religion, and to obtain the complete abolition of slavery throughout the world. We earnestly exhort them,” the slaveholders, “to continue and to increase their exertions to effect the total abolition of slavery.”

Now, if these quotations, and the views and authorities that we have presented upon the word “men-stealers,” in 1 Tim. i. 10, are correct, then it is clear that St. Paul does rank the sin of slavery with “sins of the first magnitude,” and the American slaveholders are bound to give up the Bible, or give up slavery. There is no escape from this. If Eustathius, Bishop Horsley, Dr. Macknight, the Rev. Adam Clarke, the Rev. Albert Barnes, and the General Assembly of the Presbyterian Church of the United States, are correct in their interpretation of the word *men-stealers* and solemnly declare that it means not only those who steal slaves, but also those who buy and sell slaves, and who “*retain*” men in slavery, then the supporters of this system must admit that St. Paul is against them.

And is it not time, I would ask, that these constant appeals to the Bible by Northern and Southern divines, in defense of slavery be stopped? Is it not time that this sophistry, and false exegesis, and flagrant perversion of the Word of God be exposed?

To show the reader with what confidence Southern *Christians* appeal to the Bible on this question, let me give the action of the church in Petersburg, Virginia, 16th of November, 1838, in relation to the sentiments expressed by the General Assembly, a portion of which I have quoted above :

“ Whereas the General Assembly did in 1818 pass a law which contains provisions for slaves, irreconcilable with our civil institutions, and solemnly declaring slavery to be a sin against God -- a law at once offensive and insulting to the whole Southern community :

*Resolved*, 1. That as slaveholders, we cannot consent longer to remain in connection with any church where there exists a statute conferring a right upon slaves to arraign their masters before the judicatory of the church — and that, too, for the act of *selling them*, without their consent first had and obtained.

2. *That as the great Head of the Church has recognized the relation of master and slave, we conscientiously believe that slavery is not a sin against God, as declared by the General Assembly.*

3. That there is no tyranny more oppressive than that which is sometimes sanctioned by the operation of ecclesiastical law.”

Similar resolutions in regard to the bearing of scripture upon slavery have been passed by the Synod of Virginia, several Presbyteries in South Carolina, and other ecclesiastical bodies in the slave States. The arguments, however, by which they attempt to sustain themselves, are as utterly untenable as those which Professor Stuart has brought forward. They have never adduced a single passage from the Bible that sustains or warrants the horrible and barbarous system of American slavery.

In regard to the “ Great Head of the Church,” to whom they so often appeal, we would remark, that while Christ, to a certain extent, condemned specific sins, yet his great object was to plant in the hearts of men such principles as would lead them to *renounce every sin*. His design was to render men *holy*, to bring them under the great laws of benevolence, justice and love, that reign in the heavenly world. He pointed out distinctly our relations one to another, as well as our relations and duties to God. He taught us to recognize the rights of all men ; to regard their interests in our dealings with them ; to bestow upon the poor our charities, upon the unfortunate our compassion, upon all our love. He labored, in

short, *to demolish the principle of selfishness*, that had for four thousand years occupied the throne of the affections, and to place upon that throne the principle of benevolence. Under the sway of the former principle, the earth had been the theatre of wars, bloodshed, crime, and oppression in its most horrible forms.

At the time of our Saviour's advent, slavery was universal throughout the Roman empire. Some wealthy persons owned even ten and fifteen thousand slaves, and it is computed (see Professor Edwards, on Roman slavery,) that in Italy there were three slaves to one freeman. Very many became slaves by being taken captives in war, and others were purchased from slave dealers. It is said that Cæsar took 400,000 captives in his Gallic wars, and multitudes of slaves were brought from the islands of the Mediterranean.

Their condition under the Romans, as we have already shown, was oppressive and cruel in the highest degree. They could neither marry nor hold property, nor obtain any redress under the severest injuries. The master had the power of life and death over his slave, and could treat him with the most unrelenting barbarity, while no civil law extended its shield over the sufferer. Exquisite tortures, too, were not unfrequently inflicted upon the slaves, and some even for trivial offence, were buried alive, others crucified, and others put to death after lingering and acute sufferings.

Can we for a moment suppose that our blessed Saviour, whose heart beat in sympathy with every form of human suffering, who was so ready to heal the sick, afford consolation to the poor, and comfort to the afflicted, who was moved to tears while standing at the grave of a friend, could look upon this horrible system with any other feelings than those of the keenest sorrow and deepest abhorrence? But the question that presented itself to his mind was, how shall this gigantic system of iniquity, — this system that has risen up in defiance of every principle of justice, every feeling of humanity, every law of God, — this system, the cruelties of which cannot be contemplated, without a sickening disgust, how shall this be most effectually demolished? It is interwoven with all the civil and social institutions of the empire, and specific rules or directions may only aggravate the evil, and convulse the empire without breaking the chains of the oppressed. The great moral Legislator, therefore,

in infinite wisdom, lays down principles of justice, humanity and benevolence, which will, by their operation upon the hearts of men, gradually work society clear of this awful sin. And we find that as Christianity made progress, the disciples of Christ deemed it one of their most urgent duties, to liberate those whom, while in their sins, they had held in bondage. Clemens, in his epistle to the Corinthians, says, "We have known many among ourselves who have delivered themselves into bonds and slavery that they might restore others to their liberty." Paulinus, Bishop of Nola, expended his whole estate, and then sold himself in order to accomplish the same object. Cyprian sent to the Bishop of Numidia 2590 crowns in order to redeem some captives. Socrates, the historian, says that after the Roman army had taken some 7,000 Persian captives, Acacius, Bishop of Amida, melted down the gold and silver plate of his church, with which he redeemed the captives. Ambrose did the same in respect to the furniture of his church. It was the only case in which the imperial constitution allowed plate to be sold.

Such then, were some of the practical effects of the principles of the Gospel upon slavery, among the early Christians. And under the influence of these same principles, slavery has been abolished in Great Britain, in the free States of our own country, and upon the continent of Europe. And while other and less enlightened nations than our own, are getting rid of this evil, it is a disgrace to us, that so many are willing not only to retain it, but to fortify their opinions, by such an obvious and flagrant perversion of God's Holy Word!

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#### IX.—MR. WEBSTER AND THE CONSTITUTION.

We now approach Mr. Webster's speech, in defense of which Mr. Stuart argues with more zeal than ability. In entering upon this branch of our subject we feel that our limits will not allow us to examine as thoroughly and minutely every point presented in this speech, as the case demands. Indeed such an examination is rendered unnecessary, as the Hon. Horace Mann, the Hon. J. Z. Goodrich, and other gentlemen eminently qualified for the work,

have so ably and successfully refuted many of the arguments which Mr. Webster adduced on the slavery question.

Yet there are some points, which deserve consideration, in order to meet Professor Stuart, where he appears in defense of this speech. And if any other apology, than that which this pamphlet affords me, is needed for my considering the constitutional and political bearings of the questions before us, I would find it in the Hon. Mr. Webster's own solemn appeals to the ministers of the gospel, to raise their warning voice in "denunciation of the crimes" connected with slavery.

In his address delivered at Plymouth, Dec. 22, 1820, in commemoration of the first settlement of New England, (see Webster's speeches, vol. 1, p. 53, 54, 8th edition,) he pours forth from his noble heart, a torrent of indignation against those who are guilty of participating in the African slave trade. At that time he felt the deep injustice and barbarity of tearing women and children from their African homes, and forcibly transporting them to America, as we now feel the deep injustice and barbarity of tearing women and children from their Virginia homes, and forcibly carrying them to Texas or New Mexico. And if the African slave trader was so guilty in the eyes of Mr. Webster, then the great and honored champion of freedom, how much more guilty at this day, ought the American slave trader to appear in his estimation, who, with all the light and knowledge that now surround him, is struggling to open a market on free soil for "*this odious and abominable trade.*"

Had the Hon. Mr. Webster, of 1850, been consistent with the Hon. Mr. Webster of 1820, the more pleasing duty would have devolved upon us, to have made an humble attempt to increase the lustre of his fame, and add, if possible, another star to the splendid wreath that then adorned his noble brow.

In the address referred to, he said,

"I deem it my duty on this occasion to suggest, that the land is not yet wholly free from the contamination of a traffic at which every feeling of humanity must forever revolt. \* \* \*

"In the sight of our law, the African slave trader is a pirate and a felon, and in the sight of Heaven an offender far beyond the ordinary depth of human guilt. There is no brighter part of our histo-

ry, than that which records the measures which have been adopted by the government, at an early day, and at different times since, for the suppression of this traffic, and I would call on all the true sons of New England to co-operate with the laws of man, and the justice of Heaven.

“If there be, within the extent of our knowledge and influence, any participation in this traffic in slaves, let us pledge ourselves upon the *Rock of Plymouth*, to extirpate and destroy it. It is not fit that the land of the Pilgrims should bear the shame longer. Let that spot be purified, or let it be set aside from the Christian world; let it be put out of the circle of human sympathies and human regards; and let civilized men henceforth have no connection with it.

“I invoke those who fill the seats of justice, and all who minister at her altar, that they exercise the wholesome and necessary severity of the law. I invoke the ministers of religion, that they proclaim its denunciation of those crimes, and add its solemn sanction to the authority of human laws. If the pulpit be silent, whenever and wherever there may be a sinner, bloody with this guilt, within the hearing of its voice, the pulpit is false to its trust.”

For one, I stand ready to respond to this appeal in its just application to the American slave trader, as well as the African; and while responding to it, I commend the whole passage to the special attention of those editors who are so ready to raise the cry of “politics and the pulpit,” whenever a clergyman has the presumption to express his views upon questions of national interest. Some journals and political parties, the moment they adopt any national sin, and commence protecting it and nursing it as their own, cry out to the ministers of the gospel, “Gentlemen, hands off. This is a political question, one with which you have nothing to do. Your duty is to preach the gospel, expose the sins of the wicked antediluvians, the idolatrous Canaanites, and the hypocritical Pharisees, and let politics alone!” Such was the cry when the Mexican war was raging. Although it is admitted that the gospel condemns war and slavery, and that it is the duty of Christians to use their influence to destroy these evils; yet, when a party or newspaper, for political capital, or any other purposes, becomes the special protector of these sins, then, forsooth, the pulpit must suspend its denunciation!

We might now preach or write upon the sinfulness and horrors of war without incurring the least risk of giving offence, although the war question was so recently a "political question."

But to all who are ready to raise the cry of "politics and the pulpit" now that slavery is adopted and caressed by them, we would address the solemn words of their great chieftain: "*If the pulpit be silent whenever or wherever there may be a sinner bloody with this guilt, within the hearing of its voice, THE PULPIT IS FALSE TO ITS TRUST.*"

Mr. Webster, in his speech, is said to have presented us with a lucid and forcible exhibition of the bearing of the Constitution on slavery, and those who dissent from him are accused of opposing the Constitution. In order that we may form a correct opinion of the nature and extent of the connection between the United States Constitution and slavery, it is necessary that we go back and inquire into the views of its framers, and the sentiments that prevailed in the country at the period of its adoption. The most reliable sources of information with reference to these points, are the two following works:—The papers of James Madison, purchased by order of Congress, being his correspondence, &c., and his reports of debates in the Federal Convention; now published from the original manuscripts, &c. 3 vols. New York: 1841." Also, "Secret proceedings and debates of the Convention assembled at Philadelphia in 1787, to form the Constitution of the United States, from notes taken by Robert Yates, Esq. 1 vol. Albany: 1821."

From these works it appears that, previous to the adoption of the present Constitution, five or six plans or drafts of government were laid before the Convention for their consideration; one by Mr. Edmund Randolph, on the 29th of May; another by Mr. Charles Pickering, another by the Hon. Mr. Patterson, another by Col. Hamilton. In neither of these drafts or plans, is there *a single allusion to the restoration of fugitive slaves*. In the Resolutions of the Convention, referred, in July, 1787, to a committee of five, for the purpose of reporting a Constitution, no instructions are given upon this point, and in the draft of a Constitution, which this committee presented, there was no allusion to this subject.

When, however, the fifteenth article of the draft of the Constitu-



tion was under consideration, which relates to delivering up fugitives, criminals, persons charged with treason, felony, &c., two delegates from South Carolina, Messrs. Butler and Pinckney, moved an amendment, requiring fugitive slaves and servants to be delivered up like criminals." This was objected to, and finally a separate clause was inserted as follows :

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It is worthy of notice, also, that while South Carolina was the author of this stain upon our Constitution, that State voted *against* the adoption of the fourteenth article, which reads thus, "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." When this article was read, Gen. Pinckney expressed his dissatisfaction with it, as he was desirous that some "provision should be included in favor of property in slaves," and when the question was put on the final adoption of this clause, "*all the delegates from South Carolina voted against it.*"

The other clauses in the Constitution that bear upon the slavery question, are so worded that the casual reader would scarcely suppose that they related to slaves at all, so careful were the members of the convention to exclude the words slave and slavery from this Constitution of free men.

The 9th section, Art. 1, relating to the slave trade, is as follows :

'The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

When the subject of continuing or abolishing the slave trade was before the convention, some of the members expressed very boldly and fully their views upon the whole slavery question. I will give a few extracts as reported by Mr. Yates, (p. 64-67.)

"It was said that we had just assumed a place among independent nations,

in consequence of our opposition to the attempts of Great Britain to \* *enslave us*, that this opposition was grounded upon the *preservation of those rights* to which God and nature had entitled us, not in *particular*, but in common with *all the rest of mankind*. That we had appealed to the Supreme Being for his assistance as the *God of freedom*; who could not but approve our efforts to preserve the rights which he had thus imparted to his creatures; that now, when we scarcely had risen from our knees, from supplicating his *aid and protection*—in forming our government over a *free people*, a government formed pretendedly on the principles of liberty and for its preservation—in that government to have a provision, not only putting it out of its power to restrain and prevent the slave trade, even *encouraging that most infamous traffic*, by giving the States power and union, in proportion as they *cruelly and wantonly sport* with the *rights of their fellow creatures*, ought to be considered as a *solemn mockery of, and insult to*, that God whose protection we then implored, and could not fail to hold us up in *detestation*, and render us *contemptible* to every true friend of liberty in the world.” . . . . . “That on the contrary we ought rather to prohibit expressly in our Constitution, the further importation of slaves; and to authorize the general government from time to time to make such regulations as should be thought advantageous for the *gradual abolition* of slavery and the emancipation of the slaves which are already in the States.”

“That slavery is inconsistent with the *genius of republicanism*, and has a tendency to *destroy* these *principles* on which it is supported, as it *lessens the sense* of the equal rights of mankind, and *habituates* us to *tyranny and oppression*. It was further urged that by this system of government, every State is to be protected both from foreign invasions and from *domestic insurrections*; that from this consideration it was of the utmost importance it should have a power to restrain the importation of slaves, since in proportion as the number of slaves were increased in any State, in the same proportion the State is *weakened* and exposed to foreign invasion or domestic insurrection, and *by so much less* will it be able to protect itself against *either*, and therefore will, by so much the more, want aid from, and be a burden to, the Union.” . . . . .

“At this time we do not generally hold the commerce in so *great abhorrence* as we have done. When our liberties were at stake we *warmly felt* for the *common rights of men*. The danger being thought to be past, which threatened ourselves, we are daily growing more insensible to those rights.”

Such were the sentiments that were advanced in the Convention of 1787, when the Constitution was under consideration, and although these sentiments and the proceedings to which I have alluded, do not affect the *legal* character of this instrument, they bear upon its

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\* The words italicised in these extracts are thus printed in the original.

*moral* character, and should have weight with all Christian expounders of the Constitution. That this instrument gives no license to *extend* slavery, is obvious to the most cursory reader. Indeed, its framers regarded slavery as a wrong, a curse, an outrage upon all those rights for which they had been so earnestly contending, and the language of the Constitution was selected with reference to the application of this instrument to a just and free people. The opinion was generally entertained that slavery was to die out, and not be perpetuated or extended. The whole number of delegates appointed to attend this Convention, from the several States was, according to Mr. Yates' report, sixty-five. Of this number ten did not attend, and of those who attended, *sixteen* did not sign the Constitution, as amended and adopted, on the 17th of September, 1787.

Richard Hildreth, Esq., in his History of the United States, lately published, says, vol. 3, p. 526 :

“ Of those who signed [the Constitution] probably there was not one to whom all the provisions of the instrument were satisfactory, but gradually matured, as it had been, in a four months' discussion, by a compromise of contending interests and opinions, it was accepted as the best that circumstances admitted, and as promising, on the whole, an improvement on the old confederation.”

When it was proposed by Messrs. Gerry and Mason, to prepare a bill of rights to be adopted by the Convention, the measure was lost by a tie vote. In alluding to the fact that five Southern States voted against it, Mr. Hildreth says, p. 523, “ Some difficulty perhaps, was apprehended by the South, in drawing up a bill of rights, to square with the existence of slavery.” When the Constitution was submitted to the several States for their approval, the greatest objection that was urged against it was “ that it had no bill of rights, and was deficient in guaranties of personal liberty.”

We do not bring forward these facts for the purposes of weakening the power of this instrument, but to show that the same embarrassments and difficulties that exist, with reference to its bearing upon slavery, at the present day, existed at the time of its adoption. It was framed amid strong opposition to the system of slavery. Many in the convention felt that it was solemn mockery, and an insult to the God of Heaven, after they had, in their recent struggle

appealed to him and his aid in so just a cause, to turn around and fasten chains upon their fellow men. Had it not been for the clamorous demands of the delegation from South Carolina the fugitive slave clause would never probably have been inserted in the Constitution. And from that time down to the present day, this State has been the stronghold of slavery. It resisted most earnestly the suppression of the African slave trade, and threatened to dissolve the Union in case this accursed traffic was abolished. It has been foremost in its efforts to extend the area of slavery, and to embarrass the movements of Congress for the advancement of human freedom.

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#### X. — VIEWS OF WASHINGTON, JEFFERSON, ADAMS, PATRICK HENRY, &c. ON SLAVERY.

The opinions and feelings of the immortal Washington, who was President of the Convention that formed the Constitution, may be gathered from his letters.

In one address to Robert Morris, Esq., he said :

“I hope that it will not be conceived from these observations, that it is my wish to hold the unhappy people who are the subject of this letter, in slavery. I can only say, that there is not a man living, who wishes more sincerely than I do, to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is, by the legislative authority; *and this, as far as my suffrage will go, shall not be wanting.*”

In another to John F. Mercer, Esq., he said :

“I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase; *it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law.*”

In writing to Gen. Lafayette, he said :

“The benevolence of your heart, my dear Marquis, is so conspicuous on all occasions, that I never wonder at fresh proofs of it; but your late purchase of an estate in the colony of Cayenne, with a view of emancipating the slaves, is a generous and noble proof of your humanity. Would to God, a like spirit might diffuse itself generally into the minds of the people in this country.”

The noble and benevolent Lafayette felt most keenly the wrongs of this nation in upholding slavery.

He said on one occasion :

“ While I am indulging in my views of American prospects, and American liberty, it is mortifying to be told that in that very country, a large portion of the people are slaves ! It is a dark spot on the face of the nation. Such a state of things cannot always exist.

I see in the papers, that there is a plan of gradual abolition of slavery in the district of Columbia. I would be doubly happy of it, for the measure in itself, and because a sense of American pride makes me recoil at the observations of the diplomatists, and other foreigners, who gladly improve the unfortunate existing circumstances, into a general objection to our republican, and (saving that deplorable evil) our matchless system.”

The allusion of General Washington to the colony of Cayenne is thus referred to in the private life of Gen. Lafayette—vol. 1, p. 149.

“ After the decisive campaign against Lord Cornwallis, in 1781, Lafayette, on receiving the thanks of the State of Virginia, which had particularly profited by his successes, replied, by the expression of a wish, that liberty might be speedily extended to all men, without distinction. But he was not contented with sterile wishes, and on his return to France, flattering himself, like Turgot and Poivre, that the gradual emancipation of the negroes might be conciliated with the personal interests of the colonies, he was desirous of establishing the fact by experience, and for that purpose, he tried a special experiment, on a scale sufficiently large to put the question to the test.

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When Lafayette had been proscribed in 1792, the National convention confiscated all his property, and ordered his negroes to be sold at Cayenne, in spite of the remonstrances of Madame Lafayette, who protested against the sale, observing, that the negroes had been purchased only to be restored to liberty after their instruction, and not to be again sold as objects of trade and speculation. At a later period, all the negroes of the French colonies were declared free, by a decree of the National Convention. It is nevertheless remarkable, that some of Lafayette's plans, with regard to the slave emancipation, were realized.”

The views of Thomas Jefferson, who was appointed Secretary of State in 1794, and President of the United States in 1801, are generally known, and yet I cannot forbear giving some quotations from his writings showing his hostility to slavery. He says, (see Notes on the State of Virginia :)

“What an incomprehensible machine is man! who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him through his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose. But we must wait with patience the workings of an overruling Providence, and hope that that is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full — when their tears shall have involved heaven itself in darkness — doubtless a God of justice will awaken to their distress, and by diffusing a light and liberality among their oppressors, or, at length by his exterminating thunder, manifest his attention to things of this world, and that they are not left to the guidance of blind fatality.”

Again he says :

“With what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriæ of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another, in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the banishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves, a very small proportion, indeed, are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? *Indeed, I tremble for my country, when I reflect that God is just; that his justice cannot sleep for ever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which can take side with us in such a contest.* But it is impossible to be temperate and to pursue this subject.”

Benjamin Franklin, according to Steuben's account, (see Life of Franklin, by William Temple Franklin) was President of the Pennsylvania Society for promoting the abolition of slavery, and as such signed the memorial that was presented to the House of Representatives of the United States, on the 12th of February, 1789, praying that body to exert, to their fullest extent, the power vested in

them by the Constitution, in discouraging the traffic in human flesh. The following is part of the memorial :

*To the Senate and House of Representatives of the United States :*

The Memorial of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race —

RESPECTFULLY SHEWETH :

That from a regard for the happiness of mankind, an association was formed several years ago in this State, by a number of her citizens of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and accurate conception of the true principles of liberty, as it spread through the land, produced accession to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures of the African race.

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From a persuasion that equal liberty was originally the portion, and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institution, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bond of slavery, and promote the general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery ; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone in this land of freedom, are degraded into perpetual bondage, and who amidst the general joy of surrounding freemen, are groaning in servile subjection — that you will devise means for removing this inconsistency from the character of the American people — that you will promote mercy and justice towards this distressed race, and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow men.

BENJAMIN FRANKLIN, *President.*

*Philadelphia, Feb. 3, 1790.*

[Federal Gazette, 1790.]

How different are these views from those recently advanced by the Hon. Henry Clay, in his speech on his Compromise bill, by Senator Foote in his furious attacks upon the citadel of freedom, and by the Hon. Daniel Webster, late champion of our liberties, and expounder of the Constitution.

It is truly refreshing to read the noble and patriotic views of

these old American heroes, after having had our blood chilled by the perusal of Mr. Webster's speech and Mr. Stuart's pamphlet.

But let us hear Patrick Henry, whose soul-stirring eloquence contributed so much towards arousing the nation to assert and defend her rights. Let us hear him who embodied his own views of the worth of liberty in the following words :

" Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery ? Forbid it Almighty God ! — I know not what course others may take ; but as for me, *give me liberty, or give me death.*"

In a letter addressed to Robert Pleasants, Esq., under date of Havana, Jan. 18, 1773, he writes :

" It is not a little surprising, that the professors of Christianity, whose chief excellence consists in softening the human heart, in cherishing and improving its finer feelings, should encourage a practice so totally repugnant to the first impressions of right and wrong. What adds to the wonder is, that this abominable practice has been introduced in the most enlightened ages. Times that seem to have pretensions to boast of high improvements in the arts and sciences, and refined morality, have brought into general use, and guarded by many laws, a species of violence and tyranny, which our more rude and barbarous, but more honest ancestors detested. Is it not amazing, that at a time when the rights of humanity are defined and understood with precision, in a country, above all others, fond of liberty, that in such an age, and in such a country, we find men professing a religion the most humane, mild, gentle, and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible, and destructive to liberty ? Every thinking, honest man, rejects it in speculation. How few in practice, from conscientious motives ! - - - - -

" *I believe a time will come when an opportunity will be offered to abolish this lamentable evil.* Everything we can do is to improve it, if it happens in our day ; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and our abhorrence for slavery. If we cannot reduce this wished for reformation to practice, let us treat the unhappy victims with lenity. It is the furthest advance we can make towards justice ; it is a debt we owe to the purity of our religion, to show that it is at variance with that law which warrants slavery. I know not where to stop. I could say many things on the subject, a serious view of which gives a gloomy perspective to future times ! "

James Monroe, in a speech pronounced in the Virginia Convention said : " We have found that this evil has preyed upon the very vitals of the Union and has been prejudicial to all the States in



which it has existed." The views of Samuel Adams may be learned from the following extract :

" His principles on the subject of human rights carried him far beyond the narrow limits which many loud asserters of *their own liberty* have prescribed to themselves, to the recognition of this right in every human being. One day the wife of Mr. Adams returning home, informed her husband that a friend had made her a present of a female slave. Mr. Adams replied in a firm, decided manner ; '*She may come, but not as a slave, for a slave cannot live in my house ; if she comes, she must come free.*' She came, and took her *free* abode with the family of this great champion of American liberty, and there she *continued* free, and there she *died* free."—*Rev. Mr. Allen, Uxbridge, Mass.*

It is an interesting fact that of the first six Presidents of the United States (from the immortal Washington down to John Q. Adams) all but one have left on record expressions of their hostility to American slavery ; nor can we but reflect with the highest gratification upon the noble course which our late worthy President took with reference to the agitating questions of the day. His earnest recommendations to Congress to admit without delay the State of California, with her free Constitution, unembarrassed by other and foreign matters, rendered him the worthy successor of these illustrious men.

Let us now descend from these refreshing heights, to the pamphlet before us. Mr. Stuart, in his remarks upon those who, at the present day, have some conscientious scruples with reference to delivering up fugitives, (a point which, in its connection with the Constitution, we shall soon consider,) very gravely asks, (p. 61,) "Can we respect a conscience which puts the broad seal of disgrace and infamy on those immortal men and patriots who formed our Constitution, and who in all our States accepted and approved of it ? And where now has *conscience* been, these sixty years past ? What sort of men have adorned our legislative halls, our pulpits, our churches ? Men, it would seem, who did not understand even the first rudiments of religion, or of civil liberty and the rights of man. Has conscience slept profoundly so long in the fathers, and now have their children become all at once 'wiser than Daniel,' and discovered what poor, grovelling, half-witted men their fathers were ? "

" *Conscience slept profoundly!*" No, Sir. The conscience of

this nation has never slept upon the slavery question, from the hour that the noble Massachusetts colonists sent back the first cargo of slaves that landed upon their shores, to Africa, down to the issue of this remarkable pamphlet. Indeed, "conscience" has been, under the influence of our religion and education, becoming more and more sensitive, and were it not for the support that the atrocious system of slavery receives from Northern statesmen, and professing Christians, we should not now have the nation convulsed, and the Union endangered, by the application of a free State to be admitted to our confederation. We should not have California's free constitution used as a dray-horse, to drag after it a load of abominations, such as the so-called Compromise bill presents to us.

"A conscience which puts the broad seal of disgrace and infamy on those immortal men and patriots who formed the Constitution!" But I would ask, if those "immortal men" were so conscientious in respect to *inserting* the fugitive slave clause, may not some of their descendants have some conscience about *executing* it? Is this "conscience" to be ridiculed, as Mr. Stuart ridicules it on the page that precedes our last extract? Is it to be brought into contempt, by comparing it with that which the hangers of witches had, and Quakers "who went about the streets *in puris naturalibus?*" Besides, if the "conscience" of these modern freemen puts "the broad seal of disgrace and infamy on those immortal men who formed the Constitution," upon whom does our author's *conscience* put "the broad seal of disgrace and infamy," when he says in relation to the law that forbids slaves the advantages of education, that "in such a case, obedience to a human law is *crime: it is treason against the majesty of Heaven and earth?*" — p. 105.

One of the most unfortunate allusions, in Mr. Stuart's pamphlet, is that which he makes to the Hon. William Jay, who recently presided over an anti-slavery meeting in the city of New York. His language is as follows: —

"I could not help thinking more particularly on one great and good man, who took an active part in all the formative process of our general government, and by his skill and wisdom saved our new settlements from the horrors of Indian aggression. Every one will of course know, that I speak of the illustrious JOHN JAY. What if his portrait had been hanging in the hall where the

Anti-slavery Society recently met, under the presiding auspices of his descendant? Would it not have brought to every mind, the recollection of what the Earl of Chatham said, when addressing a descendant (then in the House of Commons) of a noble ancestor, whose picture was in full view? His words were: 'From the tapestry which adorns these walls, the immortal ancestor looks down, and frowns upon his degenerate offspring.' I must except, in my application of this declaration, the last two words. They should not be applied to such a man as the Hon. William Jay. But I may say: Would not his immortal ancestor have looked down with a mixture of sorrow and frowning, on a descendant who could exhort his countrymen to disregard and trample under foot the Constitution which his father had so signally helped to establish; and who could pour out an unrestrained torrent of vituperation upon Mr. Webster, who has taken up the Constitution where Mr. Jay's ancestor left it, and stood ever since in the place of the latter as its defender and expounder? How would that agitated and frowning face, moreover, have gathered blackness, when the presiding officer of that meeting went on to say, that Mr. Webster had not made his Speech from any conviction of sentiment, but because the cotton merchants and manufacturers of Boston demanded such views to be maintained, and these gentry had of course given it their approbation."

Had Mr. Stuart been acquainted with the views of the "illustrious John Jay," upon slavery, he would never have written this paragraph; for it appears from the life and writings of Jay, that he was not only strongly opposed to slavery, but was President of an anti-slavery society.

In one of his letters from Spain, he wrote as follows:

"The State of New York is rarely out of my mind or heart, and I am often disposed to write much respecting its affairs, but I have so little information as to its present political objects and operations, that I am afraid to attempt it. An excellent law might be made out of the Pennsylvania one, for the gradual abolition of slavery. Till America comes into this measure, her prayers to Heaven will be impious. This is a strong expression, but it is just. Were I in your Legislature, I would present a bill for the purpose with great care, and I would never cease moving it till it became a law, or I ceased to be a member. I believe that God governs the world, and I believe it to be a maxim in His, as in our court, that those who ask for equity ought to do it."

As president of an anti-slavery society, Mr. Jay corresponded with several other societies, and was for many years zealously devoted to the advancement of human freedom. So that "the portrait of the illustrious John Jay," suspended upon the walls, at the late

anti-slavery meeting, would not have been as inappropriate a decoration as the Professor imagines.

Since preparing the above, I have received a pamphlet written by the Hon. William Jay, in which he not only confirms the statements that I have made, but furnishes the most abundant evidence of his father's deep hostility to American slavery. He also most fully and ably defends himself against the unwarrantable attack made upon him by Professor Stuart. In alluding to his illustrious father, he says that "he continued to occupy the chair of the society till 1792, when he resigned it on taking his seat on the bench, as Chief Justice of the United States."

In November 1785, this society issued 2000 copies of a strong anti-slavery pamphlet, which was dedicated "to the Honorable members of the Continental Congress." From this tract Mr. Jay makes the following quotations:

"We naturally look to you in behalf of more than half a million of persons in these colonies, who are under such a degree of oppression and tyranny as to be wholly deprived of all civil and personal liberty, to which they have *as good a right as any of their fellow-men*, and are reduced to the most abject state of bondage and slavery, without any just cause. . . . May you judge the poor of the people, save the children of the needy, relieve the oppressed, and deliver the spoiled out of the hands of the oppressor, and be the happy instruments of procuring and establishing universal LIBERTY to white and black, to be transmitted down to the latest posterity."

Indeed, I would venture to advance the opinion that these "immortal men and patriots" stand in as little need of the Professor's protection, as do Moses, Isaiah and Paul, concerning whose reputation he seems to be so sensitive. They were men who not only felt the evils of slavery, but who were ready to raise their voices in denunciation of its crimes and atrocities, and who did all in their power to rid our nation of the curse.

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## XI. THE DIRECT QUESTION.

We now approach the direct question. What shall be done with the fugitive slave clause in the Constitution? It is there, and is very plain.

Art. IV. § 3: "No person *held to service or labor* in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, *but shall be delivered up*, on claim of the party to whom such service or labor may be due."

Mr. Webster says, most emphatically and earnestly, it must be obeyed. His language is :

"But as it now stands, the business of seeing that these fugitives are delivered up, resides in the power of Congress and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their Constitutional obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them. None at all, none at all. Neither in the form of conscience, nor before the face of the Constitution, are they justified, in my opinion.

Wherever I go, and whenever I speak on this subject—and when I speak here I desire to speak to the whole North—I say that the South has been injured in this respect, and has a right to complain, and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty."

Mr. Stuart says, with equal emphasis and earnestness, that this clause must be obeyed, and obeyed too, "whatever we may think of the claim of the master in the light of Christianity!"

Suppose now, that as a person desiring to become a citizen of these United States, I am required to yield my cordial assent to the Declaration of Independence, and to the Constitution. First, the Declaration of Independence is read to me, which was signed by the delegates from all the original States, and adopted as the basis of all the State Constitutions.

I listen, as a conscientious man, to this passage: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That

to secure these rights, governments are instituted among men, deriving their powers from the just consent of the government."

To this I yield my cordial assent. I bow to it, not with the formality of a hypocrite, but with the sincerity of a true patriot, and conscientious Christian. I believe in my inmost soul, and with all my powers, "these truths to be *self evident*, that *all* men are created equal, that they are endowed by nature with certain *inalienable* rights; that among these are *liberty* and the pursuit of happiness." This doctrine I adopt as the essence and soul of my political creed, and I am impressed with the conciseness and strength of the language which embodies it.

The preamble to the Constitution is next read to me: "We, the people of the United States, in order to form a more perfect union, *establish justice, ensure domestic tranquility, provide for the common defense*, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

To this I also cordially assent. The words *establish justice, ensure domestic tranquility*, &c., sink deep into my memory. The whole Constitution is then read, and I mark such passages as these. Art. 4, Sec. 2:—"The citizens of each state shall be entitled to all privileges and immunities of citizens of the several States."

Art 4 of the amendments,—"The right of the people to be secured in their persons, houses, and papers, and effects, against unreasonable searches and seizures, shall not be violated," &c.

I am, at this time, we will suppose, informed that under this compact, full and glorious Declaration of Independence, and this free Constitution, there are 3,000,000 of people held in the most abject bondage. They are robbed of all their rights, forbidden to learn to read, bought and sold like beasts, called "goods and chattels," their children born slaves and themselves exposed to the avarice, cruelty and lust of their masters. I am now requested to listen to an article in the Constitution, that requires that these slaves, when they flee from their oppressors, to a free State, shall be delivered up. I hear the passage read, and am bewildered, staggered; I seek for light, and I read from the great expounder of the Constitution, in a late speech, the following words:

“Every member of every Northern Legislature is bound like every other officer in the country, by oath, to support the Constitution of the United States, and this article of the Constitution, which says to these States they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfils his duty in any Legislature who sets himself to find excuses, evasions, escapes, from this Constitutional obligation.”

But have I not just assented, in good faith, to the declaration that all men are created equal, and are endowed with inalienable rights, among which are life and *liberty*? To be confident that I understand the meaning of words, I look in the dictionary for the meaning of the word inalienable. I find that Noah Webster says that it means, “Unalienable: *that can not be legally or justly alienated or transferred to another.*”

I am now placed in a dilemma from which there is no escape. The case is a plain one. If I aid in executing this fugitive slave clause, I most palpably and directly violate the Declaration of Independence, and the other portions of the Constitution. The moment I put my finger upon a fugitive slave, after my solemn declaration about inalienable rights, establishing justice, &c., I stand at the bar of this republic, at the bar of humanity, at the bar of God, condemned as a consummate hypocrite. In the emphatic words of Professor Stuart, used in another connection, I am guilty of “treason against the majesty of heaven and earth.”

Let us now see how the author of the pamphlet before us, gets along with this dilemma. He takes the ground that this fugitive clause must be obeyed, and adduces, what we suppose he would call arguments to sustain his position. After alluding to the passage in the Declaration of Independence, that I have quoted, he asks, very justly—(p. 57):

“After such a declaration before heaven and earth, without one dissenting voice, how could the immortal men, whose names are appended to that Declaration, publish to the world in their Constitution of government, that they fully admitted in practice what they had solemnly denied in principle? How could they say. We authorize the practical denial of equality and liberty, and hold, that the right to them of the part of a community is *not* inalienable? How would the despots of the old world have pointed the finger of scorn, at the palpable disagreement between the Declaration of Independence, and the Constitution of the United States.”

Hear, now, the answers of the Professor to his own questions. He says: 1. "It will be seen, by a moment's reflection, that the appearance of such a contradiction is in some measure saved, by the softened language employed, viz: 'held to service or labor.'"

"Appearance of such a contradiction in some measure saved!" But is the fact altered? Does this "softened language," "held to service," affect the idea—the *fact that fugitives shall be delivered up*? Will it mitigate the anguish of the returning fugitive, who in chains is to be thrown at the feet of his incensed master, to tell him that the language under which he is sent back, is "softened" by the term "held to service?"

2. But let us proceed to the Professor's second point. He continues: "Nor is this all. As the matter now is, the article in question does not apply to slaves only, but equally to all other persons lawfully bound to service or labor—to apprentices, to men under special contract, to all in such a predicament, whether freemen or slaves."

Powerful, indeed! How does this bear upon the question? What if the article does apply to others, does it apply *any the less* to slaves?

3. Our author continues:

"But, allowing all that has now been said, still, could not the States mutually bind themselves to the compact before us? Surely they could. We must begin the examination of this subject by calling to mind, that each State was, and still is a *sovereignty* within itself. Then, it was absolutely and entirely so; but now, in a more modified and limited manner, since it has assigned over a part of its sovereignty rights to the General Government. Each State, then, could, and can now, form laws for itself regulating all rights of property or of citizenship. It could admit any particular class of men to the privileges of citizenship, or it could exclude them. It could decide what rights one man had, or could have, over another, as to demanding 'service or labor.' The compact in the Constitution merely declares, that the decisions of each State shall be respected, and admitted as valid by all the others.

"This being all plain and certain, it follows, that when men held to service or labor by the laws of one State fly to another, the property or service can be reclaimed or enforced, as by law belonging to the citizens of that State from which the fugitives came."

Here the sovereignty of the States is appealed to. But we would ask if the States are sovereign, does this justify them in



doing wrong, or justify us in sustaining them in the wrong. Upon this subject of State sovereignty, there is a great deal of loose language used. If any one will read the 8th section, Art. 1, of the United States Constitution, he will see that our General Government is clothed with powers, that may as properly be denominated sovereign, as the powers reserved by the several States. The General Government has power to lay and collect taxes, duties, imposts, &c. — to borrow money on the credit of the United States, to regulate commerce with foreign nations — to establish a rule of naturalization — to coin money — to establish post offices — to promote science and arts, by securing to authors and inventors, the exclusive right to their writings and inventions — to establish courts — define and punish piracies — declare war — raise and support armies — provide for organizing and disciplining the militia, &c. &c.

But this matter of sovereignty, either of the States or of the general government, does not relieve the question before us of its difficulties. It matters not by what power a citizen is placed in the dilemma before us. He is there, and it is for him to decide whether, as a patriot and christian, he will adhere to the Declaration of Independence and the spirit of the Constitution, or as a time-serving politician he will cling to the fugitive slave clause. And if his “conscience” prompts him to take the former course, that “conscience” ought not to be made the butt of ridicule by a late Professor in Andover Theological Seminary.

But our author goes on to establish the astounding doctrine, that we can restore the fugitive without participating in the guilt of slavery. He says, (p. 49) :

“What participation then have we of the North, in any injustice that may be done to the slave in making him property? Not the least in the world. We have simply agreed to deliver up to the inhabitant of another State, that to which he has a claim, sanctioned by the law of that State. We have merely renounced, in an express manner, a jurisdiction which in fact we never had and cannot have. The renunciation removes all ground of doubt or dispute. What is the harm or sin of this? And what is the use of assuming a jurisdiction which never did and never can belong to us?”

In opposition to these views, we would remark, that nothing seems to us clearer than that if we restore the fugitive, we partici-

pate directly in the guilt of slavery. We certainly aid in upholding the system — a system which the Professor himself says, has, “as existing among us, taken its worst form” — a system that “degrades men made in the image of their God and Redeemer into the brute beasts, or (which makes him still lower) converts him into mere *goods and chattels*.” Now, the idea that we can do this without “harm or sin” is as false as it is weak. If I have a neighbor who is doing any great wrong — for instance, committing murder, — and I in any way aid him or uphold him in the wrong, am I not a participator in his guilt?

But our author asks, in continuing his remarks, “What right now has Massachusetts to decide for Virginia on such a question (the question of property in man)? Virginia may do wrong (I fear she is doing so,) but Virginia is not under our supervision or jurisdiction, nor are we in any degree accountable or responsible for her errors or sins.”

What! can I deliver up the fugitive who has as inalienable a right to liberty and all its blessings as I have, who has just escaped from a system that degrades him below the very beasts, a system that Professor Stuart would not have upon his conscience the guilt of extending, “for ten thousand worlds,” a system the licentious features of which are so revolting and horrible? can I aid in restoring a fellow being to such a depth of degradation and infamy, and yet not be “in any degree accountable or responsible?”

To advance such an idea is an outrage upon the common sense of every freeman in this nation.

Suppose that I go to Africa, and their aid in the work of man-stealing, would not this be a crime? Do not indeed the laws of the United States declare the slave trade to be piracy, and the slave trader worthy of death? I ask, then, how long must the stolen man be held in slavery, in order to have slaveholding cease to be a sin? Because several States in this Union have persisted in a career of wickedness for so many years, has that wickedness ceased to be wickedness?

Does Professor Stuart tell me that I can restore the fugitive, because he has so long worn the chain, without being “accountable or responsible?” Is not the act of restoring the suffering fugitive,

as bad as the original theft? Has the man by being once cursed by this atrocious system of American slavery, *lost his inalienable rights*? Is he no longer a man? Has he been, by the God of our race, thrown beyond the bounds of human sympathy and the human conscience? Men may laugh at this idea of sympathy. They may ridicule this conscience. Then I say let us be consistent. Let us no longer exhibit to the world the spectacle of solemn mockery, in weeping over oppressed Hungarians, and denouncing European despots. Whatever else we are, let us not stand before the civilized world, and before the Supreme Judge, a nation of hypocrites!

But Mr. Stuart says, p. 60: "I may think that Virginia, for example, does a moral wrong by her slavery laws; but it is clearly no political wrong done to others. The matter belongs to her alone; not to her neighbors."

This is the favorite argument with all slaveholders and slavery supporters, that we have nothing to do with their political or domestic institutions. In conversing recently with a clergyman from South Carolina, upon this point, I asked him if he was in favor of foreign missions? "Oh yes," he replied, "very much interested in them." Why, said I, do you send missionaries to the heathen? Do you not send them to interfere with their institutions—to overthrow their religion, break down their cruel laws, change all the habits and customs of the people? Are not our missionaries in the Sandwich Islands, Ceylon, India, China and Africa, laboring to do all this? He could not deny it. I then told him that if I had a right, acting on the principles, and with the spirit of the gospel, to interfere with the domestic institutions of China, I had an equal right to exert my humble influence to break down the barbarous institutions of Virginia. This right he could not deny.

There cannot, indeed, be a more absurd idea advanced, than that we can aid in upholding slavery, without participating in the guilt of slavery. There is at the North, a vast responsibility in this matter—a responsibility that should lead us to exclaim, in the words of Jefferson, "*I tremble for my country when I reflect that God is just, and that his justice cannot sleep forever.*"

## XII. — THE TEXAS QUESTION.

This is a question not to be trifled with. It is a solemn question — a question of deep, vital, and I may add, infinite moment.

It pertains not simply to the reputation or consistency of Mr. Webster and Prof. Stuart, or any other man, but relates to matters of far higher importance, to the welfare and happiness of the millions who are to occupy this portion of our newly acquired territory. It is *the question*, whether there shall be four States, created like Massachusetts, blessed with freedom, with public schools, vigorous churches, noble benevolent societies, and a virtuous, law loving community, or four States like South Carolina, or Louisiana, cursed with slavery, with no system of public school instruction, few and feeble churches, with little or no literature, a languishing agriculture, paralyzed commerce, without enterprise, industry or philanthropy.

It is also a question, whether the slavery power in our national councils shall be greatly increased, by a large addition of Representatives and Senators from new slave States, and thus the system of slavery be perpetuated, and the balance of power be thrown in favor of this system, for ages to come.

This question, therefore, I repeat it, is a solemn and momentous question, and should be approached by every American citizen, and especially by our Legislators and rulers, under a deep sense of their responsibility to the nation, and their accountability to God.

Mr. Webster, in his slavery speech, takes the ground that we are bound to admit four new slave States from Texas, which may be formed south of the Missouri Compromise line. His remarks are based upon the second section of the resolution of the 1st of March, 1845, for the admission of Texas, which is in these words :

“ New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as

the people of each State asking admission may desire ; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Upon this Mr. Webster offers the following commentary :

"Now, what is here stipulated, enacted, secured ? It is, that all Texas south of 36 deg. 30 min., which is nearly the whole of it, shall be admitted into the Union as a slave State. It was a slave State, and, therefore, came in as a slave State, and the guarantee is that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36 deg. 30 min., may come in as slave States to the number of four, in addition to the State then in existence, and admitted at the time by these resolutions. I know no form of legislation which can strengthen that. I know no mode of recognition that can add a tittle of weight to it."

Again he says :

"Now, I know no way, I candidly confess, in which this Government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again that, so far as Texas is concerned — the whole of Texas south of 36 deg. 30 min., which I suppose embraces all the slave territory — there is no land, not an acre, the character of which is not established by law, a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith."

The whole subject of this Texas question may be reduced to a few simple points, which we shall endeavor to present as concisely and clearly as possible.

*In the first place*, what is the nature of the contract that our government has formed with Texas ? It is, that new States, *not exceeding* four, that may be formed out of the territory of Texas, shall be entitled, on having sufficient population, to admission to the Union under the provision of the Federal Constitution. Those States applying for admission south of 36 deg. 30 min., "shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire." Those coming in north of 36 deg. 30 min., shall come in free.

Observe, that the whole number to be admitted, slave and free, shall not exceed four. If, therefore, one, or two, or three States are admitted north of the line *free*, only three, or two, or one slave State can be admitted, south of the line as *slave* States. Besides;

the stipulation in regard to the free States, is positive — “Slavery, or involuntary servitude (except for crime) *shall be prohibited.*” The stipulation in regard to the other States is, that they shall come with or *without* slavery, as the people may desire. If the people will it, all may come in free. Yet, Mr. Webster says :

“The guarantee is, that new States shall be made out of it, (Texan territory) and that such States as are formed out of that portion of Texas, lying south of 36 deg. 30 min., may come in as slave States, to the number of FOUR, in addition to the State then in existence, and admitted at that time by these resolutions.”

Besides, he dwells upon the idea, that they *shall be* admitted as slave States, when the contract is, that they shall be admitted *with or without slavery*. Why did he not in his recent speech dwell upon the *without*, as well as the *with*? And we might with propriety ask, why did he go out of his way, when the question before Congress was, the admission of free California, to build up an argument in favor of the opinion that we are solemnly bound to have in the Union *five* slave States from Texas! four in addition to the original State! Where was the necessity, at the present moment of deep excitement, while the South is opposing so vehemently the admission of a free State, of holding up before the North their solemn obligations to create out of Texas four slave States! Would it not have been soon enough to have pressed this obligation, if any exists, when these slave States had applied for admission?

*In the second place*, let us inquire into the *validity* of the contract that our government has formed with Texas.

The sentiment of Massachusetts in respect to the admission of slave States to the Union, has been expressed through her Legislature in the following resolution :

“*Resolved*, That the people of Massachusetts will never consent to use the powers reserved to themselves, to admit Texas, or any other State or Territory now without the Union, on any other basis than the perfect equality of freemen ; and that while slavery or slave representation forms any part of the claim or condition of admission, Texas, with her consent, can never be admitted.”

In accordance with this resolution, all the Representatives from Massachusetts, but one, in both branches of Congress, opposed the

admission of Texas in February and March, 1845; and in December, 1845, when the final vote was taken on admission, all the Representatives from Massachusetts voted against it.

Nor has the sentiment of Massachusetts in regard to this matter undergone any change, as the resolutions passed by the Legislature at their last session abundantly prove. (See a portion of those resolutions, in Art. 2d of this Review, under "Mass. April 27, 1850.")

This noble State, therefore, stands pledged to resist by all the means in her power, the admission of any new slave States from Texas, as she stood pledged in 1845 to resist the admission of Texas as itself. And in the resolutions passed, April 27, 1850, just referred to, she says: — "That the people of Massachusetts, in the maintenance of these, their well known and invincible principles, expect that *all their officers and Representatives will adhere to them, at all times, on all occasions, and under all circumstances.*"

Let us now see what ground Mr. Webster took in 1845, in reference to Texas.

It should be remembered that the resolutions of annexation that passed Congress on the first of March, 1845, passed on condition that Texas complied with certain requisitions and accepted certain guaranties. These resolutions were then submitted to the people if Texas for their approval. They having complied with the conditions, and accepted the guaranties, an act was passed in December following, by Congress, admitting Texas into the Union. At this time Mr. Webster was in the Senate, and in accordance with the views of Massachusetts, opposed the annexation bill, and voted against it. He thus refers to his opposition and vote in his recent speech:

"The annexation resolutions passed the 1st of March, 1845; the Legislature of Texas complied with the conditions and accepted the guaranties; for the phraseology of the language of the resolution is, that Texas is to come in 'upon the conditions and under the *guaranties* herein prescribed.' I happened to be returned to the Senate in March, 1845, and was here in December, 1845, when the acceptance by Texas of the conditions proposed by Congress were laid before us by the President, and an act for the consummation of the connexion was laid before the two Houses. The connexion was not completed. A final law, doing the deed of annexation ultimately and finally, had not been

passed ; and when it was upon its final passage here, I expressed my opposition to it, and recorded my vote in the negative ; and there that vote stands, with the observations that I made upon that occasion."

Among those observations are the following, which express Mr. Webster's strong opposition to the bill :

" It may be said, that according to the provisions of the Constitution, new States are to be admitted on the same footing as the old States. It may be so ; but it does not follow at all from that provision, that every territory or portion of country may at pleasure establish slavery, and then say we will become a portion of the Union ; and will bring with us the principles which we may have thus adopted, and must be received on the same footing as the old States. It will always be a question, whether the old States have not a right, (and I think they have the clearest right,) to require that the State coming into the Union should come in upon an equality ; and, if the existence of slavery be an impediment to coming in on an equality, then the State proposing to come in should be required to remove that inequality by abolishing slavery, or take the alternative of being excluded."

He also said :

" I agree with the unanimous opinion of the Legislature of Massachusetts, I agree with the great mass of the people ; I reaffirm what I have said and written in the last eight years, at various times, against the annexation. I here record my own dissent and opposition, and I here express and place on record, also, the dissent and protest of the State of Massachusetts."

What is the language of this protest ? Let us hear it. On the 26th of March, 1845, the Massachusetts Legislature passed the following resolution :

" And whereas the consent of the Executive and Legislative departments of the Government of the United States has been given, by a resolution passed on the 27th of February last, to the adoption of preliminary measures to accomplish this nefarious project, (the admission of Texas, with the stipulation to admit four more States out of its territory ; ) therefore be it

" *Resolved*, That Massachusetts hereby refuses to acknowledge the act of the Government of the United States, authorizing the admission of Texas, as a legal act, in any way binding her from using her utmost exertions in co-operation with other States, by every lawful and constitutional measure, to annul its conditions, and defeat its accomplishment.

" *Resolved*, That no territory hereafter applying to be admitted to the Union, as a State, should be admitted without a condition that domestic slavery should be utterly extinguished within its borders, and Massachusetts denies the validity



of any compromise whatsoever, that may have been, or that may hereafter be entered into by persons in the Government of the Union, intended to preclude the future application of such a condition by the people, acting through their Representatives in the Congress of the United States."

Such were the views entertained by Mr. Webster in December, 1845, when he voted against the admission of Texas; and let it be remembered that this negative vote was given *after the Government had pledged its honor and faith that Texas should be admitted*, on complying with the conditions, and accepting the guaranties of the resolutions of annexation.

Now let us suppose that the very next week after Texas is admitted, a slave State south of 36 deg. 30 min., applies for admission under the conditions fixed upon, the week previous. Could Mr. Webster, after his solemn declarations of the unconstitutionality of the whole business of annexation, turn round and vote for the admission of this additional State? Could he do it consistently with his own views? Could he do it authorized by Massachusetts, to whose protest he had a few days previous appealed? Could he do it on the ground that the solemn agreement and compacts of the Government must be fulfilled? But he had just violated those compacts by voting against the admission of Texas. He did what he could in December, 1845, to render null and void the solemn stipulations entered into by the Government in March, 1845. He would, therefore, have felt bound, the week after, to vote against fulfilling the stipulation of the week previous, as he then felt bound to vote against the action of March 1, 1845.

Now, if it would have been unconstitutional to have admitted a slave State from Texas, the next week, it would have been equally so the next year, or five or twenty years afterwards. To this point I wish to direct the reader's special attention, for on it turns our whole argument on this question. Mr. Webster labors, in his recent speech, to prove to us that we are bound in good faith to receive these slave States, when they apply for admission. I wish to show on his own authority, that *we are not bound* to receive them, but that it lies with the Congress, before which applications from States for admission may be made, to decide the question of admission. He did what he could in December, 1845, to undo the

action of the Government in March, 1845, and had there been but a few more negative votes at that time, *Texas would not have been admitted*, notwithstanding she had complied with the conditions of admission. In the Senate the vote stood, 27 for admission, and 25 against it.

Suppose Mr. Webster had, the following week, risen up in the Senate, and uttered what he has in his recent speech, would not his inconsistency have been most apparent to the whole nation? And does the lapse of five years at all lessen the inconsistency? Let us imagine him saying then, what he has recently said in the following extracts :

“ But now that, under certain conditions, Texas is in, with all her territories, as a slave State, with a solemn pledge that if she is divided into many States, those States may come in as slave States south of 36 deg. 30 min., how are we to deal with this subject? I know no way of honorable legislation, but, when the proper time comes for the enactment, to carry into effect all that we have stipulated to do. \* \* \* I wish it to be distinctly understood to-day, that according to my view of the matter, this Government is solemnly pledged by law to create new States out of Texas, with her consent, when her population shall justify such a proceeding, and so far as such States are formed out of Texan territory lying south of 36 deg. 30 min., to let them come in as slave States.”

That he has not reached this change of opinion at a single leap, may be shown from his other speeches. In March 23d, 1848, he said, “ It shall be *in the power* of Congress hereafter to make *four* other new States out of Texan territory.”

In 1845, he took, as we have seen, strong and decided ground *against* admitting Texas.

In 1848, he simply declares, that *it is in the power of Congress* to make new States out of Texas, and now he says: — “ I wish it to be distinctly understood, to-day, that according to my view of the matter, this Government *is solemnly pledged by law and contract* to create new States out of Texas,” &c.

While Massachusetts has not changed on this question, but has reiterated in 1850 the same sentiments that she expressed in 1845, Mr. Webster has changed. Now, shall the country change with him? For one, I answer, no. Massachusetts, through her legislature, has answered no. With all our respect for Mr. Web-

ster, with all our gratitude for his past services, with all our admiration for his splendid talents, we cannot, *we will not* bow to the sentiments of this pro-slavery speech.

Still farther evidence of Mr. Webster's former views of this annexation scheme, may be found in his speech on the loan bill, delivered in the Senate in 1848. He said :

"Experience shows us that things of this sort may be *sprung* upon Congress and the people. It was so in the case of Texas. It was so in the 28th Congress. The members of that Congress were not chosen to decide the question of annexation or no annexation. They came in on other grounds, political and party, &c. . . . What then ? The Administration *sprung* upon them the question of annexation. . . . It obtained a *snap* judgment upon it, and carried the measure of annexation. . . . I think I see a course adopted that is likely to turn the Constitution under which we live *into a deformed monster—into a curse* rather than a blessing, into a great frame of national government, not founded upon popular representation, but founded on the *grossest inequalities* ; and I think if it go on — for there is danger that it will go on — that this government will be broken up.

From this language, we perceive that Mr. Webster, no longer ago than in 1848, considered the admission of Texas, not only as a violation of the Constitution, but such a violation as is likely to turn the Constitution into a *deformed monster* — to make it a *curse*, rather than a blessing ; and yet he now tells us that we are bound "*in honor and conscience*" to perpetuate this deformity—to persist in a course that will make this instrument a deeper curse to this nation ! Is it, I would ask, worthy of the great expounder of the Constitution, to give to the American people such advice as this ? Is it worthy of the American people *to follow such advice* ? Will they, even at the bidding of the late defender of the Constitution, trample this instrument under their feet, and hug to their bosoms a deformed monster ? Will Massachusetts do this—the noble State that resisted the preliminary measures for annexation—that resisted the action of March 1, 1845—that resisted the final action in December. Never, never, never. Massachusetts is bound by her solemn and oft repeated declaration, to resist the admission of any and every slave State to this Union. And when a State from Texas shall be found knocking at the door of the Union, pleading for admittance with her curse, slavery, Massachusetts will, to the ex-

tent of her influence, refuse her admittance. And if, in time to come, any Senator or Representative is found advocating the admission of a slave State from Texan territory, he will be supporting not the Constitution of the United States, but a deformed monster, the Hon. Daniel Webster being the judge. He will be found sustaining not the national honor, but the *national disgrace*. He will be ratifying a measure, that Mr. Webster tells us is likely to turn the Constitution *into a curse*.

But one of the most remarkable and humiliating features in this whole matter is, that such men as Professor Stuart, Dr. Woods, President Sparks, and others, should cordially and fully endorse these sentiments. After thanking Mr. Webster for the services he has rendered to the country by his recent speech, and for recalling them to their duties under the Constitution, they say, "WE DESIRE TO EXPRESS TO YOU OUR ENTIRE CONCURRENCE IN THE SENTIMENTS OF YOUR SPEECH." And Professor Stuart in his pamphlet seems to be burning with indignation towards the Hon. Mr. Mann, and others, for opposing Mr. Webster on this Texas question. He says, after, referring to some of their arguments,—

"Such are the envenomed arrows, which this new Free Soilism and Abolitionism stores up in the quivers of its advocates. I know of no better exhibition or proof of the tendency of the spirit which it engenders, than is to be seen in the cases of such men as Judge Jay and the Hon. Mr. Mann. It can furnish gentlemen, scholars, men of cultivated minds and *hitherto blameless lives*, with the whole stores of annoyance that exist in the magazine of vituperation and calumny, and prompt them to the active appropriation of these stores. This is enough to make any sober, quiet man pause, and ask whether such is 'the armor of truth and of God.'

"No. Mr. Mann; 'a *wanton surrender* of the rights of the North,' is not to be said of Daniel Webster. Swords would leap, if it were lawful and necessary, from hundreds of thousands of scabbards, to defend him against such an assault."

Not quite so fast. *Swords leap from their scabbards!* The swords in Massachusetts, and New England, *would rust* in "hundreds of thousands of scabbards," rather than be drawn in defense of such sentiments as Mr. Webster has advanced. Of all the States in this Union, Massachusetts is the very last to defend such views. We cannot indeed, contemplate the noble career of this State, her

philanthropy, Christianity, her high moral and intellectual character, without the most enthusiastic admiration. When we remember that more than two hundred years ago, this people being then colonists, sent back to Africa the first cargo of slaves that was landed upon their shores, and from that hour to this have steadily resisted and fought against the system of slavery — when we remember that here the foreign missionary enterprise, the temperance reformation, and a large number of our religious and benevolent societies had their birth — when we remember that here the first college in our country was established, the first public school house was erected, and that the enterprise of this State built the first railroad, erected the first manufactory, and that she now boasts of more of the substantial comforts and blessings of life, more general intelligence, liberality and piety, than can be found within any other territory of equal population upon the globe,—we are confident that, in this crisis, she will stand firm, maintaining, with an unfaltering energy, those glorious principles of liberty, justice, and right, for which she has always contended. And if, in this 19th century, in this enlightened age, in this free, Christian nation, the monstrous and horrible system of American slavery is extended, it will be done in spite of her solemn protests, her earnest efforts, her fervent prayers.

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### XIII — CONCLUDING REMARKS.

In reviewing the ground which we have gone over, we find that the views on slavery which are advocated by the editors of the *Atlas*, by the friends of freedom in Congress, and by the mass of the people who dissent from Mr. Webster, are the same that were held by the immortal Washington, by Lafayette, Jefferson, Patrick Henry, Monroe, John Jay, Benjamin Franklin, Adams, and a large number of the framers of the U. S. Constitution. We have seen that they coincide with the opinions recently expressed by very many of our Northern State Legislatures, and our most influential ecclesiastical bodies. We have seen that the positions that Professor Stuart has attempted to maintain, are utterly untenable, and that the Bible

condemns slavery as a moral evil. We have seen that the views advanced by Mr. Webster in his recent slavery speech, are totally inconsistent with his opinions as expressed in 1845 and 1848, and that by following his advice we become violaters, rather than supporters of the Constitution of the United States.

But the question presses upon our attention — What shall be done in the present crisis? We answer — let California be admitted forthwith to this Union, untrammelled by other and foreign matters. From every free State — from every northern Legislature, there should go forth long and loud the cry, ADMIT CALIFORNIA! We have been trifled with long enough in this matter. The rights of the North have been trampled under foot long enough.

But the slave-holder tells us “we must compromise;” “if freedom is to be extended, we claim the right to preserve the balance of power, by extending slavery.” To this we would reply, liberty *cannot compromise* with slavery. It is an element so entirely hostile to slavery, that it cannot meet it on equal ground. It is at war with slavery. It ever has been at war with it, and ever will be. It seeks the destruction, the annihilation of its foe. As well might truth compromise with error, virtue compromise with vice, Christianity compromise with heathenism.

Suppose for a moment that the missionaries sent to the heathen by the American Board, should meet to frame a compromise with idolatry. They are told that strong prejudices exist against Christianity in the community — that heathenism is of great antiquity — that it existed before the flood, in the time of Moses, when the prophets wrote, and in the apostolic age. They listen to a plan of compromise which requires, as a condition on which they may remain in the country, that for every child that receives baptism, a heathen child shall be thrown to crocodiles; that for every convert admitted to a Christian church, a heathen shall be crushed under the wheels of Juggernaut: that for every village brought under the blessed influence of the Gospel, an equal number of persons in another district, shall be brought under the cursed influence of idolatry; and that fugitives escaping from heathen to a Christian district shall be restored to the cruelties, ignorance, and superstitions of the horrible system from which they have fled!

What would the prudential committee of the American Board think of such a compromise? And suppose that the missionaries write home, that the matter is producing a great excitement, and that in some way the agitation must be calmed down, or the most disastrous results may follow!

Would not the committee write back, (to treat, for a moment, seriously, so ridiculous a supposition) that the missionary's business is not to compromise, but to destroy? Would they not tell him that he is sent to make war upon all the institutions of the heathen, social, civil and religious—to overthrow every system of iniquity—to establish in every heart the principles of justice, humanity and piety?

But, says the slave-holder, you must compromise, or *we will destroy the Union!*

But we have heard this threat too often to be alarmed by it. This cry of “the dissolution of the Union,” was raised by South Carolina and Georgia, soon after the Constitution was adopted; and from that day to this, it has been their resort in every emergency. In 1820, when the question of admitting Missouri was before Congress, the cry was, “admit this State as a slave State, or we will dissolve the Union,” and at that time, no little alarm was excited by this threat.

In 1832, when the tariff was agitated, South Carolina was found at her old business, crying “*dissolution of the Union*,” and then she attempted as a preliminary step, to carry her nullification doctrines into effect. But the firmness of General Jackson withstood the assault, and though Congress apprehended serious difficulties, yet the Union survived the storm.

When the Hon. John Quincy Adams stood up so manfully for the right of petition and freedom of speech on the slavery question, the same cries were heard, and yet the Union stands as firm today as it ever stood. Let the reader notice that in 1820 the cry was, “we will dissolve the Union if you *do not* admit a *slave State* ;” the cry now is, “we will dissolve the Union if you *do* admit a *FREE State!*”

And how long, I would ask, are we to be frightened out of our rights and liberties, by this *perpetual growl*? Do not the northern advocates of “compromise” see any danger to the Constitution and to the Union by yielding so frequently to the unreasonable demands of the slave power?

“We have been taught,” yes, honored teacher,\* “*we have been taught* to regard a representative of the people as a sentinel on the watch-tower of liberty. Is he to be blind, though visible danger approaches? Is he to be deaf, though sounds of peril fill the air? Is he to be *dumb*, while a thousand duties impel him to raise the cry of alarm? Is he not rather to catch the lowest whisper that breathes intention or purpose of encroachment on the public liberties, and to give his voice breath and utterance at the first appearance of danger?” Yes, yes! All Massachusetts answers, Yes! The whole nation thunders, YES! And never was there a more splendid opportunity for Mr. Webster to have given “his voice, breath and utterance at the appearance of danger,” than when he uttered his memorable, shall I add, fatal speech.

With the eyes of 20,000,000 of people fastened upon him — with the heart of a nation beating with intense anxiety to know what the great champion of liberty would say, with the destiny of future States and future generations balancing in the scale, he might, while he was wholly true to the Constitution — true to all the past acts of this government, true to the reasonable demands of the South, he might have uttered sentiments and established principles that would have done honor to the nation, reflected glory upon our age, and entitled him to the warm thanks and lasting gratitude of the civilized world. The excuse, indeed, reiterated in our hearing, is that his object was to allay excitement and preserve the Union. But in order to do this was Mr. Webster forced to make concessions, and advance views that shock the moral sense of the North? Was he forced to yield to the South what she had no more right to ask than we had to grant? Let the South be taught that there are eternal principles of right and justice, from which the North cannot and will not swerve; that there are obligations that we owe to mankind, and to God, which must be met *at all hazards*, — that there are claims touching the extension of slavery, to which we cannot yield without subverting the great doctrines upon which all our free institutions rest, and this cry will be, in a measure, hushed. If it is not, then the responsibility of endangering the Union rests upon

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\*Mr. Webster.



the South, not upon us. If she in her madness chooses, in every conflict between liberty and slavery, to put the Union on the line of battle, there to be shattered by the contending forces, *upon her rests the responsibility*. The God of liberty will never place this nation in circumstances that will demand of any of us, the sacrifice of long cherished principles of right and justice.

It would be well for us, at this crisis, to listen to the words of the immortal Washington, as uttered in 1796, in his farewell address. He said :

“ It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it ? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue ? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas ! is it rendered impossible by its vices ? ”

Before closing I would remark, that it has been my endeavor to treat Mr. Stuart's pamphlet with fairness and courtesy. I have quoted freely from it, that his very words might be before the reader, to enable him to form his own opinion of the justness of the criticisms that we have offered. Most gladly would we have coincided with the views expressed by the venerable and learned Professor, had it been in our power to have done so. But we have felt compelled to sacrifice the promptings of personal respect and affection, to the stern call of duty ; and if we have uttered a word that will, in the least degree, advance the cause of liberty, quicken the friends of humanity, or alleviate the sufferings of a single slave, we shall not have written in vain.

We firmly believe, notwithstanding the strong efforts that are made to sustain and to extend American slavery, that this system is doomed ere long to fall. With the intelligence, humanity and christianity of the age against it, with the testimony of all the civilized nations of the earth against it, with the united voice of so many of our civil and ecclesiastical bodies against it, with the God of heaven against it, *it must fall*. And in the eloquent language

of the Hon. Daniel Webster, of 1820, "I invoke the ministers of our religion, that they proclaim its denunciation of those crimes. \* \* \* *If the pulpit be silent, whenever or wherever there may be a sinner bloody with this guilt, within the hearing of its voice, THE PULPIT IS FALSE TO ITS TRUST.*"

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Since these articles were first published, the Fugitive Slave Bill has been passed by Congress, and has become the law of the land ; a bill, the most extraordinary, disgraceful, and atrocious, that was ever recorded upon the statute books of this nation. We are filled with astonishment and indignation, that Northern freemen, in this enlightened, Christian age, could so far forget their obligations to God, and their duties to mankind, as to vote for such a measure. Not only have they trampled under foot the dearest right of humanity, but they have virtually made slaves of us all, — yes, consigned us over, if we submit to the law, to an ignominious bondage ; binding us, under the penalty of fine and imprisonment, not only to refuse to harbor, or give a morsel of food to the panting fugitive, but to assist in recapturing him and fastening upon him the chains which he has broken. At the bidding of the most recreant, cruel, and debased slave driver in the country, every man, woman, and child, every freeman, philanthropist and Christian, in the land — every senator, national representative, governor, minister, lawyer, physician, teacher, merchant, and mechanic, is bound to assist in carrying into execution this law. However long the fugitive may have resided among us, and wherever he may be found, whether engaged in an honorable occupation, or seated at his fire-side surrounded by an affectionate family, or worshipping God in the sanctuary, or partaking of the emblems of the body and blood of his Saviour, he may be seized, and his minister and fellow-Christians be commanded to fasten the chains upon him, and drag him back to the degradation and horrors of Southern slavery. Will the American people submit to such unparalleled tyranny ? Have we all become so debased, so weak, so timid, as to yield to such a bondage ?

Talk of the free States of this Union! Under this atrocious law there are no free States. There is not a freeman in the land, — we are all bound to work for the slaveholder. If he requires our services, an hundred times in a day, we are commanded to render them, under pain of the severest penalties.

What a spectacle for *American* citizens to exhibit before the civilized world! With all our boasted freedom, our Protestant Churches, our numerous and excellent Schools, our Bible Societies, Tract Societies, Missionary Societies, and our sympathy for the oppressed of other lands, the twenty millions of American freemen turned Slave-catchers!! We, model republicans! rather model hypocrites.

But this law cannot stand, will not stand. It is too foul a libel upon our *free institutions* to be tolerated. It is too deep and bitter a cup of abominations for even the northern apologists for slavery to drink. It is too gross an insult to the God of heaven to allow us to hope to escape his vengeance.

Politicians tell us, indeed, that the slavery questions are settled. *Settled?* As well might they tell us that the controversy that God has with the apostate world is settled. As well might they strive to convince us that the struggle between good and evil, Christianity and heathenism, liberty and despotism, heaven and hell, are settled. This Bill will arouse and excite this nation, as it has never been aroused or excited before. Already, in the meetings that are being held, and the expressions of indignation that come to us through the press, do we hear the deep murmurings of the approaching storm; a storm that will try the hearts of men, and shake this republic to its centre. “I tremble for my country when I remember that God is just,” and I tremble at the indications that the day is near at hand, when we must account to the Great Judge for the guilt of so long retaining, in so favored a nation, this system of slavery.

































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